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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR RESOURCES MANAGEMENT

PUBLIC WORKSHOP

March 3rd, 1999

Brevard County Agricultural Center
3695 Lake Drive
Cocoa, Florida 32926

OLEANDER POWER PROJECT
AIR PERMIT APPLICATION

PANEL MEMBERS PRESENT:

- MR. LEN KOZLOV
- MR. MICHAEL HALPIN
- MR. CLEVELAND HOLLADAY
- MR. AL LINERO

DEPARTMENT STAFF:

- MS. KIM TOBER

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AIR REGULATION

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AIR REGULATION

P R O C E E D I N G S

1
2 WHEREUPON; the meeting was called to order
3 after which the following took place:

4 MR. KOZLOV: Good evening, ladies and
5 gentlemen. I will talk with this thing -- I can't
6 pull it out.

7 I appreciate you all coming here this
8 evening to discuss the Oleander Project and your
9 concerns associated with it.

10 My name is Len Kozlov. I am the program
11 administrator for the Air Section in the Central
12 District of Orlando Office.

13 Now, the experts here came from Tallahassee,
14 who is -- who these folks are reviewing the actual
15 permit for the project itself. And I'm just
16 acting as a moderator, if you will, for this
17 evening.

18 The district manager was supposed to have
19 been here also to take this, but she had a family
20 emergency, so she wasn't able to be here. And we
21 had an attorney that planned to come on down. The
22 aircraft was canceled because of weather up in
23 Tallahassee.

24 These folks drove down.

25 But, anyway, to go forward here, I have --

1 on my right is Mr. Mike Halpin, and then there's
2 Mr. Cleve Holladay in the blue shirt here. And on
3 the end is Mr. Al Linero. And these gentlemen
4 will take any questions or concerns you may have.

5 Now, what we plan on doing is, if you want
6 to speak, we have cards. Ms. Tober back there has
7 cars where you put your name and address, that you
8 want to be a speaker for questions. And also
9 there is a comment card that, if you have any
10 questions that you want to put on there, please do
11 so and I will attempt to go ahead and answer your
12 questions if we can here, but if we could not, you
13 will definitely be responded to in writing from
14 Tallahassee. These gentlemen will take care of
15 that particular issue.

16 We have the evening here till nine o'clock,
17 and what we'll have here is a presentation by the
18 gentlemen here for about forty-five minutes or
19 thereabouts and then we'll open the floor for your
20 associated questions.

21 Hopefully, some of the presentation may
22 answer some of your questions. Hopefully. I know
23 they won't answer all of them, obviously. But,
24 we'll go from there.

25 So, I'm going to -- I guess, Mike, do you

1 want to go first?

2 MR. HALPIN: I can.

3 MR. KOZLOV: Or do you want to go?

4 MR. LINERO: Well, yes. Let me give it a
5 shot.

6 MR. KOZLOV: All right. I'll turn this over
7 to Al Linero now. Thank you.

8 MR. LINERO: Okay. Thanks, Len.

9 I'll try to help out here because of our
10 attorney not being here. Anyway, my name is Al
11 Linero and I'm the administrator of the New Source
12 Review Section of the Bureau --

13 Okay. Can you hear me now? Okay. It's
14 better. All right. Yes, I don't have a good
15 speaking that Len Kozlov has. He's got a good
16 public voice.

17 Anyway, I'm covering for Mr. Beason and
18 don't know the legal process like Mr. Beason knows
19 it. Again, I'm sorry. He should have driven down
20 instead of relying on the airlines to get down
21 here. We all did the smart thing and got an early
22 start today.

23 Again, this is a public meeting and I wanted
24 you to know that Mr. Stallings who is here today
25 specifically requested this meeting and, you know,

1 we had planned something like this. We didn't
2 know we were going to do it this early in the
3 application review process, but we were prompted
4 by Mr. Stallings and we said, well, that's a good
5 idea. Let's do it early.

6 This meeting, although the agenda calls for
7 a two-hour meeting, this meeting, in our opinion,
8 is open from now probably for the next couple of
9 months. We will take comments from you, written,
10 verbal here, E-mail. I think Mr. Stallings and
11 even some of the county officials can testify that
12 they are able to E-mail us questions and we get
13 back to them.

14 So, we see this meeting as open from now
15 until thirty days after we publish a notice in the
16 local newspapers of the intent to issue or deny
17 this permit.

18 We may yet find it advisable to have another
19 one of these meeting right here, so don't feel
20 like, you know, we're just going to run out the
21 door at nine o'clock. We had to have a reasonable
22 time here. I'm sure some of us will hang out a
23 little bit longer.

24 Again, now, where we are in the public
25 participation process is we received an

1 application late last year. I believe it was
2 about November 30th. We did an initial review of
3 the application and found it incomplete and we
4 asked certain questions that ultimately
5 Constellation answered to make the application
6 complete.

7 An application is complete when there's
8 sufficient information to allow us to process it,
9 and that can mean sufficient information to issue
10 it or to deny it. In any case, it's sufficient
11 information for us to review it.

12 That application became complete about a
13 month ago and we have about sixty days from
14 receipt of the application or when it's complete
15 to make a decision whether this -- this project is
16 permissible or not.

17 We have something like about seventy-four
18 days to actually provide the company a written
19 summary of our intent and all the associate
20 documents.

21 At some point after they get our intent,
22 they will publish in the local newspaper, and my
23 guess would be probably the Orlando Sentinel,
24 Brevard edition. It's their choice. They'll
25 publish a notice of our intent, and then at that

1 time the public will have fourteen days to file
2 for a petition to -- against our action, whether
3 it's to issue or to deny, and so will
4 Constellation.

5 You'll also be able to, if -- you can ask
6 for extensions of the time to file a petition. I
7 think there's some legalities involved there and
8 that's why I wish Mr. Beason was here.

9 But, in any case, we'll take comments for
10 thirty days, for thirty days after the notice is
11 published we will continue to take even more
12 comments. So, at that point, assuming that no one
13 has file for a petition, we would have to take an
14 action by day ninety after having deemed the
15 application complete, which was a month ago, with
16 the time subtracted for fourteen days after
17 Constellation gets our intent, that gets
18 subtracted from the clock.

19 So, I'm really just saying that we have to
20 take an action on this thing roughly three and a
21 half months from a month ago. So, there's plenty
22 of time. We'll make a big effort to try to get
23 our E-mail addresses to you, our telephone
24 numbers.

25 You can visit the district office, you can

1 visit us in Tallahassee, call and so forth, and
2 that's basically what -- what the process is all
3 about.

4 I'm going to go ahead and turn it over to
5 Mike Halpin to go ahead and discuss the
6 application and later, as you have questions about
7 the public participation process and the rules, I
8 can come back and try to answer those. Thank you.

9 Mike.

10 MR. HALPIN: Yes, can you guys --

11 What you are going to see is a presentation
12 that you're going to have a handout for, so you'll
13 be able to take home with you a copy of everything
14 you see up here. These folks here are going to be
15 handing them out.

16 Hopefully we made enough. If we didn't, let
17 us know and we'll get you one in the mail.

18 While they are handing those out, let me
19 mention a couple of things, housekeeping type
20 things. We request -- Cleve Holladay, the
21 meteorologist and I -- I'm the engineer that's
22 assigned to this project. We request that you
23 give us an opportunity to tell you what we know
24 about the project in this presentation.

25 And then, at that time, we'll try to answer

1 any questions that you might have that you wish to
2 ask. If we can't answer the question or if you
3 want an answer in writing, we have comment cards
4 or question cards -- comment cards, I'm not sure
5 what they're called. They're sitting back there
6 on the back table.

7 Ms. Tober can given you one and you can
8 write down your question and your name and address
9 and we'll get back to you. So, the sooner we get
10 through this thing, the more time you all will
11 have when we're done for your own public comment
12 and we'll let you come on up here and speak into
13 the microphone, et cetera.

14 Let me go ahead and get started while
15 they're handing that out.

16 Obviously, we're here to review the
17 application and status of the Oleander Power
18 Project. As Mr. Kozlov said, Mr. Beason couldn't
19 make it tonight, however he was supposed to review
20 the permitting process and review the citizen role
21 in that process.

22 Hopefully Mr. Linero has done it to some
23 degree of your satisfaction. If there are further
24 questions we can try to answer them later on that.

25 What we will do is review the air-related

1 details of this application to construct a power
2 plant. We'll summarize for you the federal and
3 state requirements for receiving an air
4 construction permit. We'll provide our
5 preliminary assessment and then we'll entertain
6 questions.

7 You'll note that it says "Entertain
8 questions with respect to air pollution issues and
9 this project." Please bear with me. We can't
10 answer questions that are related to water or
11 zoning. We're not privy to those issues.

12 Here are the things that we look at when we
13 evaluate a project of this magnitude. We try to
14 determine whether the project is likely to conform
15 with applicable air quality laws, regulations and
16 standards. We look at the proposed equipment to
17 see whether what is being proposed is proper and
18 it will perform as expected.

19 We look at whether the project is likely to
20 cause adverse air-related environmental effects.
21 Specifically, whether it will cause new violation
22 or contributions to existing violations of
23 applicable air standards.

24 And, we try to identify whether any adverse
25 impacts are being adequately litigated.

1 I hope your picture is a little better than
2 what you can see up here. This plant is proposed
3 to be approximately 950 megawatts. It's proposed
4 to be built with five combustion turbines of
5 approximately 190 megawatts each.

6 GET has been identified by the applicant as
7 the preferred supplier. We will refer to these
8 combustion turbines as CT's throughout the
9 presentation.

10 The CT's will be configured in a simple
11 cycle configuration and for comparison purposes,
12 they can be configured in combined cycle, and the
13 difference between the two is largely that, in a
14 simple cycle configuration there's waste energy
15 that is not recovered in the form of heat, which
16 is recovered in a combined cycle, or largely
17 recovered.

18 I'm presuming that you know the location,
19 roughly. It's proposed to be on thirty-seven
20 acres on Townsend Road near the intersection of I-
21 95 and State Road 520. I believe that's the
22 northeast quadrant of that intersection.

23 The project sponsor -- I'm sure many of you
24 know this -- and I can't describe to you. You'd
25 have to ask, I guess, the applicant. And I know

1 some of the applicant's representatives are here
2 this evening. They're not, of course, speaking
3 tonight. This is DEP and the residents will be
4 speaking.

5 However, they could, perhaps answer how this
6 works better than I can. I am aware that
7 Baltimore Gas and Electric is, I guess, the
8 ultimate sponsor of the project through
9 subsidiaries or something similar, Constellation
10 Power Development and Oleander Power Project,
11 which I believe is some sort of a limited
12 partnership.

13 What the applicant has proposed for a
14 schedule is here. It's likely -- in my opinion,
15 it's optimistic, however this is what they
16 proposed, to start construction March 2000. To
17 start performance testing in November and
18 commercial operation in 2001.

19 What they have asked for are peaking units.
20 These typically are used during times of high
21 electrical usage. I'm going to explain that a
22 little further on the next overhead.

23 This is intended to be an indication of what
24 a load curve looks like. We're all familiar with
25 typical summer days where it's cool in the

1 morning, generally, in the low seventies or
2 whatever, and it gets hot as the day goes on.

3 What you see along the bottom is intended to
4 be a 24-hour period from midnight to midnight.
5 What you see along the vertical axes is megawatt
6 load. Okay.

7 So, generally speaking, on a normal summer
8 day the load starts out low, that is megawatt
9 generation required to fulfill the people's
10 demands, and goes up as the day goes on.

11 And we'll hit some high point, typically,
12 late in the afternoon on a summer day. And then
13 it reverses itself and begins to come down. And
14 there's typically -- we referred to three classes
15 of units that fill that load curve.

16 There are the base loaded units that fill
17 the bottom of the curve. These units typically
18 run 24 hours a day, seven days a week, max out.
19 Then there are units referred to as intermediate
20 units, and these units typically will start up
21 early in the morning and shut off late in the
22 evening. And they fill up the next part of that
23 curve.

24 At the very top of the curve is the area
25 where generators typically will come on, either

1 late in the morning or early in the afternoon, and
2 typically run for only a few hours during the
3 afternoon period and shut off fairly early.

4 Those are referred to as peak units, and
5 that's what they have asked to put in. And this
6 is further indicative of a peak unit. What they
7 had asked for is 3390 hours of operation for each
8 one of these combustion turbines. There's 8760
9 hours in a year. That's something just under
10 forty percent of the year, they are asking for
11 those units to operate, each unit.

12 What they have asked for initially -- and
13 I'll take a minute and clarify this -- they've
14 asked for the ability to use number two fuel oil
15 which is diesel for up to 1500 hours.

16 Now, the sulphur content that they've asked
17 for is to be a maximum of .05 percent, which we
18 refer to as very low sulphur content in the
19 department.

20 I want to point out two things. First of
21 all, the original application, what the applicant
22 asked for was up to 2,000 hours per year of oil
23 operation out of that 3390 for combustion turbine.

24 We had some incompleteness issues. We asked
25 some questions. In response to some our

1 questions, the applicant came back and reduced the
2 hours of operation on oil, or the requested hours
3 of operation on oil from 2000 to 1500.

4 We just received in the past few days -- I
5 can't tell you exactly when. I think it was
6 Friday when my supervisor, Al, just received
7 another request from the applicant, and this time
8 what the applicant has asked for is to further
9 reduce the amount of oil consumption to 1000 hours
10 a year out of the 3390. The remainder of the
11 hours would be natural gas.

12 Now, given what I have said about the hours,
13 I want to let you know that everything you are
14 going to see here is predicated on the following:
15 It's predicated on the assumption that these units
16 were, in fact, to run 3390 hours a year, every
17 unit, which is the maximum they'd be allowed to
18 run.

19 Secondly, what you'll see here is emissions
20 that are based on the assumption that they would
21 run the maximum 1500 hours out of that 3390 on
22 oil, which is what they had asked for. Remember,
23 that's been reduced to a thousand, so these
24 numbers will be higher than what will ultimately
25 end up being.

1 However, those numbers are, for these five
2 pollutants that I'm going to show you, the five
3 pollutants, by the way, on the left, are nitrogen
4 oxide, particulate matter, sulphur dioxide, carbon
5 monoxide and volatile organic compounds.

6 These are pollutants that we look at pretty
7 closely that are typically emitted from power
8 plants.

9 The far right column is a summary of all
10 five combustion turbines running as I indicated,
11 maximum 3390 hours a year with 1500 hours a year
12 oil-based for each of those units.

13 So this is, in fact, on those assumptions,
14 the very maximum emissions they could put out.
15 It's in tons per year. So, the first row says
16 nitrogen oxide, nox, it says -- in the column it
17 says 5CTPY. That's -- what that means is, if all
18 five combustion turbines were running at their
19 maximum for the year, 1590 tons of nitrogen oxide
20 would be emitted. Okay.

21 And the same number of -- the same logic
22 applies to the following numbers in that column.

23 Now, so that you understand -- I know it's
24 difficult for you to have a reference for those
25 numbers, and they look big. I'm going to show you

1 in the next slide what -- we have information that
2 is reported to us annually by essentially every
3 power plant we regulate.

4 They report to us annual emissions on what
5 is called an annual operating report. What I have
6 tried to do, so that you could understand or
7 compare, is I selected three power plants that are
8 in the area and I took what they actually reported
9 to the DEP in the year 1997 as their emissions.

10 And I'm showing you their emissions as
11 compared to this facility. Now, I'll take a
12 minute and tell you what this means.

13 The pollutant column is the same five
14 pollutants, nox, PM, SO2, CO and DOC. The next
15 column says OUCIR. That was intended to be the
16 Orlando Utilities Commission, Indian River Unit --
17 Units -- Plant, that is out near, or out on U.S.
18 1. I believe they've sold that to someone else.
19 I'm not real familiar with the details.

20 But those are the emissions reported to us
21 in 1997 for that facility.

22 The next column is, Florida Power & Light
23 has a Cape Canaveral Plant that I believe is
24 situated very closely to that Indian River Plant
25 and in 1997 this is what they reported as their

1 emissions.

2 And the last, or third column is OUC,
3 Stanton. This is a coal plant that is located, I
4 think most of you know, over near the Orlando
5 Airport. I'm sure you've probably seen the
6 cooling towers there. That's what their emissions
7 were reported to us in 1997.

8 Now, granted, these three plants are all
9 different -- they burn different fuels, they're
10 not all the same. They are roughly all the same
11 size. Generally speaking their plant size is 800
12 to 1000.

13 This proposed plant is 950. So, there's
14 some, I think, sense of comparison.

15 I also want to point out that it's a bit
16 unfair, but it's -- I need to point it out. We're
17 comparing the maximum emissions that could be
18 emitted from this Oleander site to the actual
19 emissions that were emitted from these three other
20 sites.

21 And just so that you understand, plants
22 don't generally emit their maximums. Okay. So,
23 it's a fair assumption that the other three
24 plants, their maximums are higher. I'm not
25 comparing maximums to maximums. Just understand

1 that. This is actuals to Oleander's maximum.
2 Okay.

3 One thing that we look at when we evaluate a
4 power plant is we look -- we do a review that's
5 called best available control technology. There
6 are some key points in this review. For those of
7 you that want to further look at the statutes or
8 whatever, I've listed that at the bottom.

9 It says Federal and Florida rules, but what
10 we look at when we do the best available control
11 technology review, the BACT's, is we are required
12 by rule to do a case-by-case analysis of every
13 plant and every unit differently.

14 We are not really allowed to consider them
15 equal. We need to consider energy consumption,
16 environmental impacts, economic impacts and other
17 costs. But in no case shall the BACT cause
18 exceedences of the standards. In other words, we
19 can't recommend that this particular type of
20 control would be BACT in knowing that that, in
21 fact, will cause a violation of standards.

22 Go ahead, Cleve.

23 Now, this is -- the applicant has proposed
24 to us what they consider to be best available
25 control technology. Again, the same five

1 pollutants.

2 I only want to point out two things on this
3 overhead. The first thing is the far right
4 column. That says NSPS. That stands for new
5 source performance standards. These are federal
6 guidelines which the state has adopted that this
7 facility is required to be within.

8 And they are only for two pollutants on this
9 style of a unit. They are nitrogen oxide and
10 sulphur dioxide. And the emission -- or the
11 emission rate, they are required to comply with by
12 rule, by law, is 75 PPM for nitrogen oxide and 150
13 PPM for sulphur dioxide.

14 What they have proposed for each of those
15 two -- let's look at the nitrogen oxide first --
16 is, while they are burning gas they have proposed
17 9 PPM and while they are burning oil they have
18 proposed 42.

19 For sulphur dioxide, what they have proposed
20 is 9 PPM for oil and .1 PPM for gas.

21 So, I simply want to point out that where we
22 have federal and state guidelines, which we do on
23 these two pollutants, what the applicant is
24 proposing is well within those guidelines.

25 Go ahead, Cleve.

1 We, as a matter of routine, ask the National
2 Park Service for comments. Even though every
3 plant is not near a national park, it's -- we
4 consider it to be good practice.

5 We did ask, in fact, the National Park
6 Service to comment on this project. We sent them
7 a copy of the application, asked them for their
8 comments. What they commented back to us was
9 essentially that -- I guess the best way that I
10 can say it is they only took issue with one -- one
11 item, and that was the nox emission rate while
12 firing oil.

13 What they had recommended to us is that that
14 rate should be reduced by about forty percent,
15 from 42 to 25.

16 And I do need to point out that the
17 application they reviewed was, in fact, based upon
18 a 2000 hour usage of oil. Okay.

19 So, again, where we're at with this thing,
20 as of late last week is a thousand hours of oil.
21 That's fifty percent reduction from what they were
22 originally talking about.

23 We will, in fact, when we do the BACT
24 review, we will address nox emissions while firing
25 oil. We'll address that amongst many other

1 things.

2 Go ahead, Cleve.

3 Okay. I'm going to go ahead and turn it
4 over to Cleve. Cleve is our meteorologist and he
5 -- I don't understand his stuff very well, so I'll
6 let him do it.

7 MR. HOLLADAY: Can you hear me back there?

8 UNIDENTIFIED SPEAKER: We can hear you up
9 here.

10 MR. HOLLADAY: All right. Okay. I'm ready.

11 An air quality impact analysis was required
12 for this project and I've got a slide up here that
13 summarizes the -- the project's impact in
14 comparison with standards and allowable impacts
15 and significant impact levels.

16 The applicant was required to use computer
17 dispersion modeling using EPA and state-approved
18 modeling techniques in order to determine the
19 impacts of this project on the air quality in the
20 vicinity of the plant and in the Brevard County
21 area.

22 On this slide we've got -- there's -- the
23 modeling was done for four pollutants. And what
24 we've got is several different -- we've got the
25 pollutants and several different averaging times.

1 And the national primary standard is the
2 first column on the left. The State of Florida is
3 the second column, and you've got -- for the SO₂,
4 24-hour average, the Florida standard is more
5 stringent.

6 The three-hour maximum is both -- it should
7 have been a 1300, is the national primary standard
8 to it, and for both the State of Florida and the
9 national number.

10 Then on the right-hand side, the allowable
11 impacts, these are the allowable impacts that the
12 project is allowed to have, and those numbers are
13 much smaller than the -- either the primary
14 standards or the State of Florida standards.

15 You see they run from 17 to 30 to 20, 91, 5,
16 12, and then 25, and carbon monoxide doesn't have
17 these standards.

18 That's called the Class 2 standards. These
19 are the standards that would exist in the vicinity
20 of the plant.

21 Now, the numbers in parentheses are much
22 smaller numbers. These are numbers that they
23 cannot go over in the vicinity of -- well, the
24 class one area, and in this state there's four
25 class one areas, the Everglades, there's Bradwell

1 Bay up near Tallahassee, St. Mark's near
2 Tallahassee, Chassahowitzka north of Tampa, and
3 the Okeefeenokee in Georgia and Wolf Island are
4 areas close to Florida.

5 But we could -- for purposes of this slide,
6 we could assume the Canaveral seashore, which is
7 not a class one area, but we put this on here to
8 show you that these numbers are very low numbers.
9 And I'll show you in a minute the predicted
10 increase in impacts.

11 The column in brackets are the significant
12 impacts levels. These are the levels the values
13 are below this, the applicant doesn't have to do
14 any further modeling to determine the impact of
15 other sources in the area because the values would
16 be so low.

17 So, what we have on the right-hand side as
18 the predicted impacts, increase in impacts, in the
19 worst case scenario for this project. You can see
20 the numbers like .005 is well below the PM
21 significant impact level. .08 compares with the
22 five and so on down the chart.

23 Now, the applicant has done full impact
24 modeling. I've got a summary of the results
25 today, and that's to take into account other

1 sources in the area, like FP&L, Cape Canaveral,
2 OUC, Indian River, OUC Stanton, and other sources.

3 And the numbers that they came out with --
4 and this includes everybody -- for the particulate
5 matter the number would be five. And this is for
6 the --this would compare with the 50 for the
7 arithmetic mean, 20 for the 24-hour PM 10, 10 for
8 the SO₂, 100 for the 24-hour -- which is still
9 well below the 365, 500 for the three-hour, and
10 the CO wasn't done because most of these sources
11 would be mobile, and those numbers are much
12 smaller. In the nitrogen oxides it was two.

13 So, the numbers -- these numbers are
14 considerably higher than the numbers -- the
15 impacts for the project, which shows that there
16 are other sources in the area contributing -- they
17 are predicted to contribute an awful lot more than
18 this project would contribute.

19 Okay. And the next several slides I'm going
20 to show you are measurements from monitors in the
21 area. Some are from Brevard County, some are from
22 Winter Park. And these are the best
23 representative monitors that we have. They are
24 all in the same units.

25 And what I'll show is the monitor values and

1 then that's in the blue. The red is the standard.
2 For instance, for the PM 10 annual, the standard
3 is 50 micrograms, as I showed on the other slide.

4 And then the impact, predicted impact of
5 this project in the worst case scenario. So, you
6 can see the numbers in blue are running
7 considerably lower than the standard which is in
8 red. And then the predicted impact of this
9 project doesn't show up because it's so small.

10 Next slide.

11 Okay. This is PM 10. This is for the 24-
12 hour averaging time. It's the same thing. The
13 numbers are considerably lower as far as what
14 we've monitored, and the impact, again, is very
15 small. You can barely see it above zero there on
16 the right-hand side.

17 Next slide.

18 These are SO2 measurements in the Winter
19 Park area. This for the annual. Again, the
20 numbers are very low of what we monitored and the
21 predicted impact, again, does not show up on this
22 graph.

23 Okay. This is 24-hour SO2, the short-term
24 -- one of the short-term averages. Again, the
25 numbers are fairly low, and the impact is

1 predicted to be very low. And the three-hour, the
2 same thing.

3 Okay. CO impacts, again, the impact from
4 this project would be very low and the impact
5 monitored values are well below the standard.

6 And this is for the hourly average for CO
7 and the same thing is showing up.

8 And then finally, the nox emissions -- nox
9 measurements, again, well below the standard and
10 the predicted impact is very small.

11 And that concludes my part of the
12 presentation.

13 MR. LINERO: These last two -- I think
14 there's just two slides, are to show you where
15 we're at currently. The application basically
16 defaults to a complete status tomorrow.

17 Technically, I guess, we are considering it
18 complete. The project does appear, based on our
19 preliminary review, to be capable of meeting all
20 state and federal air standards.

21 We have completed a preliminary -- and I say
22 draft -- technical evaluation. Ms. Tober has it
23 back there and feel free to pick one up as you
24 leave or whatever.

25 I hope we made enough copies for everyone.

1 If we didn't, you can request that from us. I beg
2 you to understand, it is draft and it says that on
3 it in big letters, I think.

4 Currently, our intentions are to issue an
5 air construction permit, however we wish to
6 entertain public comment beforehand.

7 Go ahead.

8 We do have an allotted time frame for public
9 comment. I think we've pretty well met what we
10 were hoping to do to give you guys, you all plenty
11 of time.

12 Now, we will accept comments in writing even
13 after we break up here this evening.

14 Go ahead, Cleve.

15 This last slide shows where the comments can
16 be sent to. For those of you that have E-mail, if
17 you want, we can give you that as well. And
18 remember that we are only authorized to address
19 air pollution issues as this project relates to
20 the regulations.

21 What we'll try to do is we'll try to take
22 any questions you have like from the field type
23 thing. How many speakers did we get to sign up?

24 UNIDENTIFIED SPEAKER: Nine.

25 MR. LINERO: Nine. Okay. Well, we'll give

1 you -- you know, we want to give everybody plenty
2 of time to speak. Let's see, five minutes apiece
3 would be forty-five minutes. So, you know, if we
4 could keep this discussion down to -- or these
5 questions, if you have any, down to thirty minutes
6 or so, I think that will give everybody enough
7 time to speak.

8 Okay. How much time do you need?

9 MR. BOCK: (Inaudible)

10 MR. LINERO: Well, we may have that in any
11 case, but --

12 MR. BOCK: (Inaudible)

13 MR. LINERO: Yes. Okay. Well, I can -- I
14 can, if you'd like, go ahead and try to let
15 everybody speak now and then afterwards I can try
16 to take your questions, if you would prefer.

17 MR. BOCK: I've got one question to start
18 with.

19 MR. LINERO: Yes.

20 MR. BOCK: The application was complete a
21 month ago or tomorrow?

22 MR. LINERO: It will default to complete
23 tomorrow, which means the complete date is
24 February 2nd, I think.

25 MR. BOCK: In one of your letters you

1 request a letter from a local utility for water
2 usage.

3 MR. LINERO: Yes.

4 MR. BOCK: How can the application be made
5 complete without that factor?

6 MR. LINERO: I was asked that question by
7 someone else. What I asked for, I think, and I
8 don't have the letter in front of me, I think I
9 asked for some assurance that the water could be
10 provided.

11 And let me explain that for a minute,
12 because we don't deal with water.

13 I only asked for some assurance that water
14 could be provided so that I have reason to believe
15 that the applicant can control his nox emissions
16 while firing oil via water injection. Okay.

17 Now, in the worst case, if the applicant
18 couldn't get the water that they needed, let's say
19 that for whatever reason, there is no water, that
20 doesn't -- all that would mean to me as an air
21 permit engineer, is that they can't burn oil
22 unless they can demonstrate some other way to do
23 it.

24 They still can put the plant in on gas, as
25 far as I'm concerned.

1 MR. BOCK: That makes a big difference to
2 us.

3 MR. LINERO: Okay. Well, that's the first
4 point I wanted to make. The second point I wanted
5 to make is, I wanted to be certain, personally,
6 that -- that they would be able to get the water,
7 and I did contact the City of Cocoa Water
8 Department, the director of the water department.

9 His name is Carl Laraby. And he indicated
10 to me that -- essentially he said there shouldn't
11 be a problem.

12 MR. BOCK: We have been told they have been
13 preparing the water review in the last couple of
14 days, so we thought that the letter stated that
15 the water had to be (inaudible).

16 MR. LINERO: Not as far as I'm concerned.
17 We need reasonable assurance.

18 MR. BOCK: Okay. The way we read the letter
19 and the way it's written, it (inaudible).

20 MR. LINERO: Okay. Well, I apologize for
21 the confusion. I don't -- we don't really need
22 that. I have assurance from the City of Cocoa
23 water supply director.

24 MR. BOCK: I guess I have just one other
25 question. If we have -- you know, ozone hasn't

1 been addressed, and you compare it to baseline
2 plants with peaking plants, which I don't think --
3 I think that's comparing apples and oranges, you
4 know, because of the amount of hours they operate,
5 I wasn't impressed by that, I might say.

6 But, the fact is that our local monitoring
7 area for ozones in Cocoa Beach which gets constant
8 winds, where we feel that we're not (inaudible)
9 around here, being between the three power plants
10 you discussed and also being along I-95 which, you
11 know, eighty percent of ozone problems are
12 automobile, you know, originated.

13 We feel that there needs to be at least a
14 year study done by the DEP here to make sure that
15 we are protected, to make sure we are protecting
16 this area before this plant's built, because we
17 believe this specific area has reached
18 nonattainment now.

19 Is it possible to monitor this area for a
20 year? We have communities within -- we look in
21 the application and they call it rural, yet we
22 think it's urban.

23 Has that been investigated? There are many
24 houses within this area.

25 MR. LINERO: Ozone monitoring. As far as --

1 I'm not in the position now to tell you that we
2 can do a year's study, if that's what you're
3 asking.

4 However, we can give you some response in
5 writing. I need to talk to other people about
6 that.

7 The second question, what was that?

8 MR. BOCK: Urban versus rural.

9 MR. LINERO: Oh. I think that's -- Cleve,
10 answer -- can you help me with that? Is there a
11 difference in modeling that's done if the --

12 MR. HOLLADAY: Well, there is, but they're
13 not -- there's a standard and they won't be urban
14 enough to fit in the standard, and as far as the
15 modeling is concerned, but if we did run it as
16 urban, it would probably come out very, very close
17 to what we have now as far as modeling goes.

18 MR. LINERO: Can you hear what Cleve is
19 saying?

20 MR. BOCK: No, we can't.

21 MR. HOLLADAY: Okay. Basically, they don't
22 -- you all don't fit the criteria that's
23 established for determining whether or not it
24 would be rural or urban.

25 MR. BOCK: Could you get to the mike,

1 please.

2 MR. HOLLADAY: As far as what goes into the
3 model, there's a technique that's used to
4 determine whether or not rural or urban parameters
5 are used in the model.

6 And this area doesn't qualify to have the
7 urban parameters used, but even if they were,
8 based on my experience with modeling, we still
9 have less than significant impacts in that area.

10 MR. KOZLOV: As far as questions, why don't
11 we -- we have speakers that are listed here, and I
12 think maybe we should go ahead and have these
13 people come up and speak.

14 MR. LINERO: That's fine. Yes, I really
15 don't want to cut people short of speaking.

16 MR. KOZLOV: We would like to go ahead and
17 address the various people who signed up to speak,
18 so I'll just go ahead and read off the name of the
19 -- they are in numerical order, but there are nine
20 speakers, essentially.

21 Anyway, the first gentleman is Mr. Mike
22 Stallings.

23 MR. STALLINGS: Good evening. My name is
24 Mike Stallings. I'm the president of Forest Lakes
25 of Cocoa Condominium. It's nice to see all of my

1 friends and neighbors out here this evening.

2 We also speak for -- I spoke to Leroy Wright
3 from the Save the St. Johns, and he said that we
4 were allowed to speak for his organization
5 tonight. He's got about two thousand members. We
6 have 250 -- 246 units in Forest Lakes of Cocoa.
7 We have another 200 and some units in Lost Lakes,
8 which is also right nearby.

9 We have several members of a group that we
10 formed to combat pollution in Brevard County here
11 as other additional speakers.

12 You stole a lot of my comments here with
13 your presentation. It was a very nice
14 presentation and we're delighted that you
15 gentlemen came down here to talk to us.

16 One question keeps coming up past me that --
17 I understand that I'm on the list to receive
18 copies of all correspondence and information
19 concerning this project. Every once in a while I
20 think something sneaks past me. And I don't want
21 to blame Kim. She's been very helpful.

22 Did you guys receive a letter from Clarence
23 Rowe (ph)?

24 MR. LINERO: Yes, we did.

25 MR. STALLINGS: Okay, because I didn't ever

1 get a copy of that letter. And I also understand
2 that in the response to the letters -- your
3 December 17th letter and December 22nd letter,
4 there's a pretty large attachment to that, a
5 hundred and some page attachment.

6 MR. LINERO: Yes, there is.

7 MR. STALLINGS: Okay. I didn't realize that
8 and I would be delighted to purchase that from
9 you, but I didn't even know it existed, so --

10 MR. LINERO: We got it and we'll take care
11 of it.

12 MR. STALLINGS: Okay. Yes, I just wanted to
13 be sure that I was --

14 MR. LINERO: How much are you willing to
15 pay?

16 MR. STALLINGS: If it will stop the power
17 plant, quite a bit.

18 Those of us who live here are adamantly
19 opposed to this power plant. One gentleman is
20 going to submit to you about 1700 signatures on
21 petitions from people in the neighborhood here who
22 are also against that.

23 I'm sure that good business practices
24 requires that you kind of keep what's going on
25 quite and stuff, and Oleander has been active in

1 the community for about two, two and a half years,
2 and nobody knew about it until a couple of months
3 ago.

4 So, from their point of view, they're being
5 very quiet and protecting their business
6 interests. From our point of view it almost looks
7 like they're kind of sneaking around and then all
8 of a sudden, springing this on us.

9 So, we were very alarmed when we first heard
10 about this and we thought we had been treated
11 pretty shoddily.

12 I was most impressed with the questions that
13 you gentlemen asked Oleander on your December 17th
14 and 22nd letters, and in looking at the answers,
15 we felt that they were poorly answered, and in
16 some cases evaded completely, and we will be glad
17 to talk specifically to some of those issues.

18 But -- it's all getting into number and who
19 said what and when. And speaking of numbers, are
20 any of you guys hunters? If you are, have you
21 ever tried to shoot a running jackrabbit? We sort
22 of feel like that.

23 You know, every time we say something about
24 Oleander, they change the standards on us and
25 we're -- it always seems like we're a day late and

1 a dollar short.

2 We started out with a permit that said they
3 were going to go 3390 hours of which 2000 was oil,
4 and I have never seen an official amendment to the
5 permit request. I've seen copies of a couple of
6 letters where they say, well, we intend to do
7 this. I don't know if that's an official
8 amendment to the permit or not.

9 MR. LINERO: That's the package that you are
10 missing.

11 MR. STALLINGS: Okay.

12 MR. LINERO: I'll send it.

13 MR. STALLINGS: And the next one, when we
14 got everything set up for 1500 hours, then they
15 all of a sudden, two days ago, decided they are
16 only going to go for a thousand.

17 And then we go to Brevard County Commission
18 meetings and the Oleander people say, well, we're
19 only going to run 600 hours or 700 hours a year,
20 that the average peaking plant was between 200 and
21 600 hours, Mr. Wolfinger (ph)? Is that right?

22 Okay. And that you intended that your plant
23 would run somewhere in line with that.

24 That's probably where we have a lot of
25 heartburn. Because, if they get permission from

1 you folks to burn a thousand hours in fuel a year,
2 but they only plan on running six or seven
3 hundred, that means that every hour they run could
4 be on fuel oil, and we don't think that's right.

5 We believe that your permit should say
6 something about a thousand out of 3390 is roughly
7 a third, so if your permit said that they're
8 required to run two-thirds of the time on natural
9 gas and no more than one-third of the time on oil,
10 that might keep the scales in balance at any rate,
11 no matter what hours they decide they're really
12 going to run the plant.

13 And the last point that Craig Bock just
14 brought up about air monitoring in the local area,
15 at Forest Lakes we've been part of what's called a
16 lake watch program out of the university.

17 We probably have one of the top -- in the
18 top ten percent of lakes in the State of Florida
19 for all-around fishing, swimming, boating,
20 alligator trolling, you know, anything that you
21 could use a lake for in the State of Florida, we
22 are -- we are among the best and we would like it
23 to stay that way.

24 According to figures that we've come up
25 with, in the nitrous oxide, this plant will

1 produce 1722 pounds per hour of nitrous oxide. So
2 you multiply that times a thousand hours a year,
3 and I think I did the math right, it seems to me
4 it comes up to 1,722,000 pounds of nitrous oxide a
5 year. Did I misplace a decimal somewhere?

6 And that, we understand, is what causes the
7 ozone and has to do with acid rain and that's
8 what's going to mess up our lake. And I don't
9 care if this is the cleanest power plant in the
10 entire world, we would like our lake to be the way
11 it is.

12 And the last comment that I have is the
13 Oleander folks keep telling us that this plant
14 will not have any visible smoke, and that's
15 probably true. I understand the low sulphur fuel
16 does not produce smoke, but it does produce tons
17 and tons of pollution that we don't see, and
18 that's even more hazardous.

19 We have a lot of people in our community --
20 what's the name of that stuff, cardiopulmonary.

21 UNIDENTIFIED SPEAKER: Cardiopulmonary.

22 MR. STALLINGS: Help me out.

23 UNIDENTIFIED SPEAKER: COPD.

24 MR. STALLINGS: CO, cardio --

25 UNIDENTIFIED SPEAKER: Pulmonary disease.

1 Cardiopulmonary disease.

2 MR. STALLINGS: Okay. Emphysema, asthma.
3 And we really don't want our folks affected by
4 this stuff. So, they might meet the standards,
5 but it's still a bad deal for Brevard County.

6 (Applause.)

7 MR. KOZLOV: Thank you, Mr. Stallings.

8 The next speaker that I have a card for is
9 Mr. Craig Bock.

10 MR. BOCK: Good evening. My name is Craig
11 Bock. I reside well within the 3.2 kilometer area
12 of fallout, wash-down effect of this proposed
13 plant.

14 This evening, first, I would like to give
15 you a copy of 1700 petition names, signatures
16 against this power plant that are in this area.
17 In a little more time we will have several
18 thousands of these. We still have quite a few
19 out.

20 And who may I give that to, by the way?

21 The reason why I'm giving this to you is we
22 were going across the internet and it says that
23 the mission of the Florida Department of
24 Environmental Protection is to protect, conserve
25 and manage Florida's environmental resources.

1 Environmental permits serve as a valuable
2 role in minimizing potential environmental
3 disruption as a result of common human activities.

4 FDEP works closely with all parties in
5 implementing its regulatory programs. Public
6 review and comment is a vital part of the
7 permitting process.

8 We are glad to know that we are a vital part
9 of this process, gentlemen, because we feel that
10 we should be and we're glad to see that.

11 It says that -- here also, that while we
12 speak we make the agency more accountable to the
13 public it serves.

14 And, gentlemen, we do want you accountable
15 to us. We respect you. We are here for answers
16 from you because we consider you to be the
17 experts.

18 I have stated already one of my concerns,
19 the ozone problem we have in this area, because we
20 are at the interstate, we are between three
21 existing power plants and another proposed.

22 And again, I'm not impressed with the
23 comparison of a baseline plant with a peaking
24 power plant. Gentlemen, I know on a permitting
25 process, on your side, it doesn't matter to you if

1 they don't serve Brevard, it is polluted, but it
2 does to we, the residents who live there, and we
3 know that you're there to protect our health and
4 to protect our welfare.

5 We know that DEP standards have gotten more
6 strict year-by-year and we notice their permits,
7 it's something about .12 percent ozone when the
8 new level is .08, and we realize that there's a
9 reduction in that because there is adverse health
10 effects from what I've read in reports written by
11 your department of ozone.

12 And we feel that we need to have a year
13 monitoring at least to see what's going on in our
14 community. We don't care what it's registering in
15 Cocoa Beach with the prevailing winds. We care
16 what's actually out here, what we're breathing in
17 our community.

18 And we want you to protect us, gentlemen.
19 It's very important that you do that.

20 Again, I just want to state that I've seen
21 several areas that I don't feel the -- your
22 questions have been responded to, the November
23 25th letter, the December 17th and the December
24 22nd, I would have liked to have met Ms. Devore
25 (ph). I realize she's out on maternity leave.

1 One very interesting comment that you made
2 in the November 25th letter was that you were
3 impressed pretty much with the nine parts per
4 million nox of gas, and I am, too. But not so
5 impressed at the 42 parts per million from oil
6 burning.

7 And this was considered to be late Eighties,
8 early Nineties technology, and yet you, time and
9 time again, say you want to use the best BACT,
10 best available control technology.

11 Why are you gentlemen allowing 42 parts per
12 million oil? Why are you allowing an oil-burning
13 plant to be built in a county where we have
14 already reached possibly nonattainment and we
15 don't need it?

16 These are questions that we all have. We
17 have them with sincerity. We're not angry. We're
18 disturbed, though.

19 And, I believe if this was your community,
20 you would be, too, gentlemen. It might be a
21 little different ball game.

22 We have copies of letters here -- also, I
23 see you talked about the transportation of oil,
24 how that was going to be taken care of, but I
25 don't know if there's been any transportation

1 studies.

2 I don't know exactly what you feel -- we've
3 been told the functional wetlands on this property
4 is also in DEP's care, and we're concerned about
5 all these things.

6 We have a gentleman that tracks bobcats, and
7 these functional wetlands are being used at this
8 time and they'll be filled in by this project.

9 Again, I thought Mike spoke very well when
10 he said that this is going to be an oil plant
11 where you're permitting it. I feel that 100 hours
12 of back-up oil would be enough. Then we could
13 call it a gas plant. But the way it's permitted
14 now, there's no way, gentlemen.

15 We're in between these power plants. We
16 have a haze down this road. Visually, you can see
17 the ozone in summer here. And we want it
18 monitored. We want to know what's here before
19 this gets built, because we know you're not going
20 to make the plant disappear once it appears.

21 If you can give me just a moment.

22 I guess that I would like -- as we have a
23 stenographer here taking this down, I guess I
24 would really like to have a copy to the answers to
25 these questions.

1 Again, when we look at the way they were
2 answered, the questions that you posed to them, we
3 saw people walking around it, and the questions
4 not answered, what we feel to be in a responsible
5 way.

6 And the responsible way would be to address
7 these questions in a manner that we're satisfied,
8 we the people that live here in Brevard, we the
9 people that have to live with this power plant
10 that you permit.

11 I want to ask you also -- and I guess it's
12 just a yes or no question: Is the Oleander, the
13 proposed Oleander Power Plant, will it be a Title
14 5 major source of pollution by DEP definition?

15 MR. LINERO: Yes.

16 MR. BOCK: Yes, it will. Okay. Mr.
17 Wolfinger (ph), I thought had answered that at one
18 time and then on a radio talk show later he had
19 said that he wasn't sure. So, I just wanted to
20 make that real clear, that this is a Title 5 major
21 source of pollution that we have being built in
22 our community.

23 We also would like to ask the DEP in the
24 State of Florida, as -- I want to give you a
25 picture of the power plants here in Central

1 Florida, knowing that we're very, very much
2 covered up with power plants centrally, we feel
3 it's probably because the Okeechobee area and the
4 parks and the protection there, but the
5 competition really is coming in except for
6 deregulation are filling up Central Florida, and
7 it's with unused power plants.

8 The way that you now permit people that can
9 bypass the Public Service Commission and the Power
10 Plants Siting Act, as this company does, that we
11 can have a power plant at every intersection here,
12 and what will our children be breathing?

13 We really feel that you need to be
14 responsible for us on our behalf, more or less as
15 the officials that represent us.

16 Gentlemen, I'm thrilled that you've come
17 down. I have many questions as we started to ask,
18 and I don't even know if two meetings could fill
19 all of them.

20 I'm not one to really favor written
21 questions and written answers, because I have seen
22 -- Mr. Linero, the last time we asked some
23 questions you referred us back to the response
24 that Oleander had written to you.

25 And again, we were asking questions that we

1 felt they hadn't answered to start with. So, this
2 is why we like to have the interaction of face-to-
3 face being able to ask you the question and, you
4 know, have you come up with the answer.

5 And again, we feel it's very important we
6 have another meeting. We definitely want to
7 address why you're not going to monitor for at
8 least twelve months. We feel that's the
9 responsible thing to do for something that could
10 be built perpetually.

11 There's been a statement made that this type
12 of plant will put other plants basically out of
13 business because they're cleaner, and yet we know
14 that peaking power plant cannot be a base load
15 plant.

16 So, I don't know how they'll do that because
17 we the people here have to be served on a constant
18 basis, not just during peaks.

19 So, there's a lot of interesting things
20 going on. We feel that DEP in the State of
21 Florida, Mr. Spruce (ph), perhaps, we would like
22 to even be bubbled up to him from you, because we
23 feel that as he steps in, this is an important
24 issue, because all of Florida is going to be one
25 big smoke stack of pollutants if we continue to go

1 as we do.

2 So, gentlemen, I appreciate the opportunity
3 to speak with you and I hope that we do have
4 another meeting before this permit becomes
5 complete. I'm just really surprised that it's
6 going to be completed -- it's going to be
7 fulfilled tomorrow, when I have seen the questions
8 that you asked and I have seen a response, and I
9 don't feel real good about the responses that I
10 saw.

11 Thank you.

12 (Applause.)

13 MR. KOZLOV: Thank you, Mr. Bock.

14 The next speaker is Mr. Robert Knodel.

15 MR. KNODEL: I was wondering if we could go
16 back on the slides here, to one of the pictures.
17 We were looking at the OUC, the FPL and the other
18 OUC plants compared to Oleander.

19 Okay. That's the one. And if everybody
20 could find that. I just wanted to say to
21 everybody out there, you know, don't be misled by
22 this chart here because what we're looking at is,
23 as we point -- as these gentlemen pointed out, we
24 have different plants with different types of
25 fuels being fired.

1 And if you look at the numbers, you know,
2 almost 8000 -- 8000 and 9000, and then you look at
3 Oleander at 1500, let's say 1600, you know, it
4 looks great but if you read into the chart, not
5 only are we looking at different fuels, but we're
6 looking at different hours of operation.

7 So the whole chart, in my opinion is skewed.
8 If you want to take Oleander out of there and
9 compare the three different -- the first three
10 power plants, I feel that you have something a lot
11 more valid than to throw Oleander in there with
12 their lower numbers of operation and I'm assuming
13 that's a gas-fired numbers.

14 Those are oil? Okay.

15 I still stand with my first point, that the
16 hours are so different that it makes the chart
17 look great for Oleander.

18 And then I wanted to ask a couple of charts
19 beyond that, the ambient air quality standards. I
20 wanted to ask if all those numbers and the
21 following charts, are we looking at gas or are we
22 looking at oil when we look at these charts?

23 No, keep going. One more. One more.

24 MR. HOLLADAY: Oh, on these --

25 MR. KNODEL: Right.

1 MR. HOLLADAY: These are measurements.
2 These are measurements made at monitors so it
3 hasn't --

4 MR. KNODEL: Are we looking at gas or are we
5 looking at oil?

6 MR. HOLLADAY: On the impacts we're looking
7 at probably most would be oil.

8 MR. KNODEL: Okay.

9 MR. HOLLADAY: Because the short -- on the
10 short term numbers it would be oil. On the longer
11 term numbers it would be the blend of oil and gas
12 in the worst case.

13 MR. KNODEL: Okay.

14 MR. HOLLADAY: Combining oil with the
15 maximum.

16 MR. KNODEL: Okay. When you were making
17 your presentation I couldn't tell if we were
18 talking about oil or gas.

19 Okay. Thank you. That's all I have.

20 (Applause.)

21 MR. KOZLOV: Thank you, Mr. Knodel.

22 The next speaker is Mr. Roger Heinig.

23 MR. HEINIG: Thank you, Mr. Linero. My name
24 is Roger Heinig. I live at 32 Yacht Haven Drive
25 in Cocoa Beach, Florida, and I would first like to

1 thank all of you for taking the effort to come
2 down and give what was an excellent presentation
3 tonight.

4 I've driven to Tallahassee and I appreciate
5 what you did to be here with us.

6 I would like to give you a little geography
7 lesson, because I did drive over here from Cocoa
8 Beach tonight where I live. That's about eight
9 miles out in the middle of the Atlantic Ocean. It
10 took me more than a half an hour to get here.

11 So, when you talk about monitoring in Cocoa
12 Beach, understand that you're talking about
13 something -- two barrier islands out in the
14 middle of the Atlantic Ocean, a half an hour's
15 drive away from where we are sitting right now.

16 (Applause.)

17 MR. HEINIG: And when you talk about
18 monitoring in Winter Park, understand that we are
19 talking about a one-hour drive in the other
20 direction.

21 I would like to go to my prepared remarks.
22 Applicant has represented to the Department that
23 the proposed Oleander Power Plant would be a
24 natural gas firing unit with oil backup.

25 This is a devious and deceptive strategy, to

1 conceal the true nature of this plant. Applicant
2 wants to be able to run this plant on one hundred
3 percent fuel oil at his own whim.

4 To achieve this objective, applicant is
5 seeking approval for annual fuel oil use for a
6 period much longer than any reasonable projection
7 of his total operating hours.

8 To delineate the details of the deception I
9 would first direct the Department's attention to
10 statements made by Mr. Rick Wolfinger on radio
11 station WMEL on December 14th, 1998.

12 At that time Mr. Wolfinger stated that he
13 expects the Oleander plant to run, "between 150 an
14 400 hours per year total."

15 At other times and places, applicant's
16 representatives have projected total operating
17 times not in excess of 500 to 600 hours per year.
18 Those projections certainly seem to be reasonable
19 given the economics of the very inefficient simple
20 cycle gas turbines that have been proposed for
21 this project.

22 During a public meeting held at this
23 facility on December 9th, 1998, applicant
24 displayed a graph indicating that the heat rate of
25 the proposed plant would be approximately 10,300

1 BTU's per kilowatt hour.

2 By comparison, FREC (ph) reports that the
3 two 400 megawatt -- 405 megawatt steam turbine
4 generator units at the nearby FP&L Cape Canaveral
5 Plant have heat rates of 9,409 and 9,505 BTU's per
6 kilowatt hour, respectively.

7 Even with those excellent heat rates, the
8 Cape Canaveral Plant operated at a capacity factor
9 of less than 45 percent in 1997.

10 The proposed Oleander Plant would have a
11 huge heat rate disadvantage of 800 to 900 BTU's
12 per kilowatt hour against that neighboring plant
13 and it would operate economically only at a much
14 lower capacity factor.

15 So, it appears that these statements of
16 applicant's representatives are plausible. The
17 annual operation of the proposed plant would,
18 indeed, be in the order of 500 hours maximum.

19 A reasonable interpretation of the term
20 "backup" indicates that fuel oil firing would
21 represent less than twenty percent of that total
22 operation, that is, no more than a hundred hours
23 per year.

24 That leads to a mystery. Your Department's
25 best available control technology determinations,

1 "include minimization of fuel oil firing and
2 maximization of natural gas use."

3 Oleander's initial application to the
4 Department sought approval for up to 2000 hours of
5 fuel oil operation per year. In it's February 1st
6 response, applicant reduced that request to 1500
7 hours.

8 If applicant truly intended to operate on
9 fuel oil for less than a hundred hours per year,
10 why would applicant expose himself to the
11 difficulties of obtaining approval for fuel oil
12 operations fifteen to twenty times greater than
13 what is realistically needed?

14 The answer has two parts. First, applicant
15 has made an unrealistically high initial request
16 of 2000 hours so they could appear to be
17 cooperative by subsequently reducing that request
18 to only 1500 hours.

19 As we have seen, the applicant has again
20 later reduced this request to 1000 hours, in a
21 further demonstration of pretended cooperation.

22 But, even 1000 hours of permitted oil
23 operation will provide an ample factor of two
24 cushion over the anticipated 500 hours of total
25 plant operation. Thus, even after making these

1 supposed concessions, applicant will still be able
2 to operate the proposed facility as a 100 percent
3 oil-fired unit.

4 I commend the Department for the fact that
5 you have already noted these anomalies. You have
6 observed in your written comments that applicant's
7 proposed permit conditions would allow essentially
8 100 percent firing of fuel oil at the proposed
9 facility.

10 Applicant's devious and evasive responses to
11 your comments confirm what we both suspected,
12 applicant is engaging in deceptive behavior to
13 secure unwarranted approval for a 100 percent oil-
14 fired power plant.

15 I urge the Department to impose operating
16 restrictions sufficient to undo the deceitful
17 actions of applicant. By applicant's own
18 testimony, the expected operation of this plant
19 will not exceed 500 hours per year. Consistent
20 with that total operating time, the Department
21 should limit the use of the fuel to no more than
22 100 hours per year.

23 There may be years in which unforeseen
24 special circumstances lead to total operation
25 somewhat longer than 500 hours. To allow for

1 those special conditions, the Department may want
2 to allow applicant to operate on fuel oil for up
3 to 200 hours in any particular year as long as the
4 average fuel oil consumption operation does not
5 exceed 100 hours per year over any five-year
6 period.

7 By imposing these very reasonable
8 restrictions, the Department will insure that fuel
9 oil firing is minimized and natural gas use is
10 maximized, consistent with the Department's
11 documented policies for BACT determinations.

12 Thank you.

13 (Applause.)

14 MR. KOZLOV: Thank you, Mr. Heinig.

15 The next speaker is Mr. Tom Berringer.

16 MR. BERRINGER: Once again, we would just
17 like to thank you gentlemen for coming down here.
18 Our job is not to intimidate anyone, our job is
19 just to bring out some facts and some interesting
20 comments, and we know that you will be fair with
21 us and the situations that we present to you.

22 The number one thing I'd like to talk about
23 is something a little different, folks, than all
24 the people with the numbers and all the experience
25 with this type of industry and pollution.

1 Basically, I came from a place of pollution,
2 and most of you notice these folks probably don't,
3 so I could maybe share a little brief story about
4 this.

5 I was a steamfitter, if you might know what
6 that is, for 43 years. I've been retired since
7 1955. I worked in some power houses that used to
8 blow the soot out at night and they cleaned their
9 soot blowers and so forth.

10 And I know none of that's going to go on
11 here, but I'm trying to make a point. They don't
12 have that kind of pollution here, folks. But I'm
13 having trouble with the amount of pollution that
14 I've been hearing about tonight, and have been
15 hearing about.

16 In those days they weren't controlled as
17 well as they are today. We thank you for that.
18 We thank you very much for that. But we need you
19 to understand something. A lot of us came down
20 here with some diseases, some breathing problems,
21 and you heard a few of the things tonight.

22 If you will look around you, you are going
23 to see some people that have breathing problems.
24 You're looking at one right here. I have first
25 stages of asbestosis. Not your fault. It's not

1 my fault. I had to make a living and I chose to
2 do this.

3 I brought this with me to Florida. And in
4 case you don't know what that means, screening
5 tests show that you have tadpole tears on your
6 clear lining of your lungs. And the bottom line
7 is it will kill you eventually.

8 I've lost some dear brothers from the union
9 I belonged to up there because of this disease.
10 I'm not up here to ask for pity. I'm up here to
11 ask for mercy.

12 I handed out a paper and it discusses an
13 experiment that NASA made possible. If you will
14 look at the left-hand corner of the paper that I
15 handed out, you're going to find out that they
16 have come up with a solution on how to keep some
17 of these poisons that we've talked about here
18 tonight.

19 You'll have to forgive me. I also didn't
20 tell you that I lost a lot of my eyesight here
21 recently, so I can't really read too much, but I'm
22 going to try to get through this.

23 If you will look at the research project, it
24 was a NASA project, with all the -- Mike, could
25 you help me. I can't read these numbers. I'm

1 sorry. I wonder if you'd mind doing that.

2 MR. STALLINGS: Okay. It's a study of how
3 houseplants can help fight pollution, and it says
4 after 24 hours spider plants remove 96 percent of
5 carbon monoxide 99 percent of nitrous oxide.

6 Is that right, is NO2 nitrous oxide? Okay.

7 And after 24 hours golden pothos, p-o-t-h-o-
8 s, who knows what pothos are -- removed 75 percent
9 of carbon monoxide.

10 MR. BERRINGER: Okay. Thanks, Mike.

11 My point in handing these out and having you
12 look at this is if NASA is interested in this type
13 of project and it has come to the University of
14 Florida, there must be a real concern about indoor
15 air, outdoor air and so forth.

16 But, gentlemen, we see that we're going to
17 have many more pounds and thousands and millions
18 of pounds of pollution if they run oil on this
19 plant. I mean, this is just a little tiny bit of
20 what we are facing.

21 I know a lady in here who has a husband that
22 has a tumor in his lung. You know, like I said,
23 we brought these sicknesses here. You know, this
24 is the way it was in the old days. We weren't
25 protected. And now you folks are trying to

1 protect us. We're asking you to protect us.

2 I know there's a lot of things we can't do
3 anything about, just like the cars on 95 over
4 here. I even read through some information about
5 junking the old cars in California and so forth
6 and so on, to just stop the pollution.

7 But you know, the more that people come into
8 our area, not just with this particular power
9 company, but there's going to be more following
10 them once they come in here.

11 I'm not slamming the business that these
12 people are in. I respect what you're doing, but I
13 think it needs to be looked at in our situation,
14 the ordinary common person who has to decide,
15 well, am I going to have to move away from here
16 after waiting some forty years to come here?

17 I hope not. I cut all my roots and
18 everything else, and here I am. What I have here
19 is everything I have, and I don't want to keep
20 popping around trying to find a clean area.

21 It was clean when I came here. I'm amazed
22 at what's been going on with the kind of
23 lackadaisical situation with the power company.
24 First of all, they didn't even let anybody know
25 they were coming in here is what I understand.

1 Now, all of a sudden they're in here with
2 studies and things of this nature, and we need you
3 folks to take us by the hand and go out there and
4 tell us what's really going on. We don't think
5 we're hearing the truth. We think you need to get
6 us a good monitoring system in this locality, as
7 you've heard. Now, that makes sense to me. It
8 really does.

9 Gentlemen, once again, thank you for coming
10 down here tonight. I know there's more speakers
11 coming, but I want to give you my heart-felt
12 appreciation for what you're going to do for us.
13 Thank you.

14 (Applause.)

15 MR. KOZLOV: Thank you, Mr. Berringer.

16 The next speaker is Mr. Douglas Sphar.

17 MR. SPHAR: Thank you. Okay. The question
18 I have that deals with the -- basically these
19 pollutants are what's identified as criteria
20 pollutants.

21 And in Title 40 of the U.S. Code of Federal
22 Regulations they establish what they call baseline
23 significant emissions of pollutants. And
24 basically what I want to ask them is, every one of
25 these pollutants here, I believe, exceeds the CFR

1 Title 40 significant emission rate.

2 Is that true?

3 UNIDENTIFIED SPEAKER: Yes.

4 MR. SPHAR: Okay. And the question -- we
5 had another gentleman that talked about ozone, and
6 a progenitor of ozone is volatile organic carbon,
7 and we see their proposed plan here actually as 94
8 tons per year, actually has volatile organic
9 carbon emissions than the FPL plant up there or
10 the big Curtis Stanton plant.

11 So, this story, you know, there is -- you
12 know, the comparison you made is you didn't show
13 the column there that shows what the U.S. Clean
14 Air Act considered to be a significant emission of
15 pollutions.

16 And I will get back to my other prepared
17 remarks. I'm going to submit, probably, some of
18 these in writing, because they are a little bit
19 detailed.

20 But, I work in the aerospace industry where
21 simulations are widely used to predict the
22 performance of missiles and rockets. And a lot of
23 times things work good in the simulation, but we
24 see out here at the Cape, they blow and they don't
25 work the way their predicted models.

1 And I was reading in the application, and I
2 guess the applicant has used something called the
3 EPA (ph) model, Industrial Source Complex Short
4 Term Model and said they downloaded from a
5 website.

6 I work in my business, people have to have a
7 file dated model, and I didn't see any evidence
8 there. Does the DEP provide them with like a
9 check run where they've got to duplicate a
10 standard database so you know their results are
11 honorable, certifiable or verifiable?

12 MR. HOLLADAY: Yes. I look over all of
13 those to make sure they're not pulling any -- you
14 know, that they're not doing something -- adding
15 -- changing numbers.

16 MR. SPHAR: Because you know --

17 MR. HOLLADAY: It is a standard model and it
18 does change and we have and look and compare to
19 make sure that their runs are the same as what we
20 would find ourselves.

21 MR. SPHAR: Okay. Moving on, the -- using a
22 model, it said that, you know, the Clean Air Act
23 allows people to do this -- satisfy this ambient
24 they are monitoring analysis, by using simulated
25 data, or in some cases monitoring data, because of

1 the emissions, I guess you bought into their
2 proposal to use model data.

3 To get back into that, they made estimates
4 of the preconstruction ambient atmosphere and then
5 ran these models. You see some of the plots over
6 here along the wall, and the questions you
7 submitted to them, I didn't see any evidence that
8 you requested and reviewed their estimated input
9 data to their model.

10 Do you believe that was done as part of
11 this?

12 MR. HOLLADAY: Yes.

13 MR. SPHAR: Okay. And the model has -- look
14 through just what they had, they had numerous --
15 it's complex model had numerous user selectable
16 options.

17 Has DEP reviewed the options and switches to
18 this model that they did the appropriate -- they
19 would do more of a creative selection of options?

20 MR. HOLLADAY: Yes. They have a standard,
21 what they call default regulatory modeling options
22 that EPA requires and they have to use those.
23 They can't go picking and choosing what they want.

24 MR. SPHAR: There are emission levels and a
25 PSD analysis required and we heard people talk

1 about concern about the air and the area and
2 everything like that using these sites monitored
3 way off -- your bar charts didn't even show ozone
4 for some reason.

5 But, in any case, in matters of public
6 health, I think it would be prudent for the DEP to
7 require preconstruction ambient monitoring, rather
8 than having people do an estimate.

9 You know, an estimate is basically an
10 educated guess, and this EPA model, that's a
11 computer simulation of the complex atmosphere, and
12 it has a lot of assumptions in simple cases, and
13 you're putting estimated data into a model that --
14 and so basically you're compounding the
15 uncertainty effects of the results.

16 And I think we'd all be more comfortable if,
17 like he said, if we actually had the ambient
18 preconstruction monitoring at the site here.
19 Because prevailing winds blow from Cocoa Beach --
20 I saw the model they proposed actually one place
21 using the -- the -- back when they were -- the
22 original permit was 104 tons per year which
23 required they had to do because it was over the
24 threshold, and they proposed the -- getting around
25 that by using the Cocoa Beach site which is twenty

1 miles away, which incidentally dropped it down
2 below, under that.

3 And the other question I had, in their
4 thing, and Mr. Bock mentioned this, they talk
5 about the 0.12 parts per million ozone standard.
6 The EPA has found out that that didn't protect
7 adequately people's health and they come out with
8 a new standard of .08 parts per million.

9 Are you reevaluating their application in
10 the context of the new ozone standard or are they
11 somehow grandfathered into the old higher standard
12 the EPA considers to be unhealthful?

13 MR. HOLLADAY: Well, basically we don't have
14 any point source and models for ozone. In urban
15 areas they do have models that can be run, but the
16 Department certainly is, as far as -- they have to
17 evaluate under the new standard.

18 Now, it does -- the new standard does allow
19 a certain -- like one number to go over whatever
20 the .08 is, but the way that it will be
21 implemented as far as nonattainment is concerned,
22 is that it will be the fourth highest number
23 averaged over the three years.

24 MS. SPHAR: I understand that's for the year
25 2000 they're supposed to make the first

1 determination?

2 MR. HOLLADAY: That would be the first,
3 because they have to have three years of data.

4 MR. LINERO: Well, let me give that a try.
5 They are going to switch from a new standard -- to
6 a new standard instead of this .12 over one hour.
7 It's .08, but that's averaged out over eight hours
8 instead of one hour and it turns out that, you
9 know, they're not far apart.

10 You know, the total effect is about the
11 same, and we understand that the federal
12 government is going to look at Florida and see
13 whether it remains in attainment with the ambient
14 air quality rules under this new standard.

15 My understanding that perhaps the Panhandle
16 may, simply because of the change in the method
17 that they calculate the standard, that could
18 change from attainment to nonattainment, but that
19 there's nowhere else in Florida where the switch
20 in the standard would automatically make an area
21 that's attainment nonattainment.

22 And so, on that basis, we're pretty certain
23 that this area is not going to change attainment
24 status for that reason.

25 MR. SPHAR: Well, I would just point out, in

1 their analysis there, they mention the corrected
2 some -- they submitted a refined application, but
3 they didn't -- for some reason didn't change that
4 number in the application.

5 One final point here. You mentioned earlier
6 the National Park Service and as you're probably
7 aware, in the class one areas they have -- they
8 have permitting responsibility for air permitting
9 and one of the things they recommend that you
10 talked a little bit about, is they say it can meet
11 the EPA things, but still bad things happen to the
12 atmosphere because the cumulative impacts are
13 considered.

14 And basically in their areas they require a
15 cumulative effects analysis. And basically what
16 I'm talking about here is, you know, they consider
17 other emissions sources undergoing the permitting
18 process. I read somebody else's coming into
19 Leesburg. We've got one up at New Smyrna, and
20 there's all -- who knows, what.

21 Plus, some people have permits but they
22 haven't built them yet, and I just want to know if
23 you take really these cumulative effects into
24 account when you're -- if you look at each one of
25 these, one at a time, each one of them can meet

1 the EPA thing, but you've got three of these power
2 plants, all of a sudden we're in in a problem
3 here, and I just wondered if you were -- take into
4 account the fact the Park Services recommended a
5 cumulative effects analysis for ambient air.

6 MR. HOLLADAY: This one, because it was a
7 considerable distance away from any park, did not
8 -- they didn't evaluate -- we didn't evaluate
9 impacts on the -- they would be probably less than
10 significant if they were, because of the distance,
11 and that's why they didn't require us to go back
12 and ask them to do it.

13 There is -- we are in the process of doing
14 an analysis for these -- starting with the
15 Chassahowitzka using a long-range transport model,
16 and that's something that's going to be done in
17 the next year or so, but, this project wouldn't,
18 at this point would not fit into that.

19 UNIDENTIFIED SPEAKER: Why not?

20 MR. BOCK: Yes, why not? Can't we do it?

21 MR. HOLLADAY: Well, later on -- but it's
22 not going to have an impact on the Park Service.
23 It will end up being less than significant, and
24 therefore nothing else would have to be done for
25 this project.

1 MR. SPHAR: Well, okay. Basically that's
2 the end of my questions. And again, by
3 definition, the Code of Federal Regulations says a
4 "significant emitter of pollutants," and we are
5 only six tons per year short of where they would
6 be forced to have to do ambient air monitoring
7 because of the VOC emissions for ozone. So, they
8 are -- the VOC is a big contributor to the ozone
9 situation.

10 Thank you.

11 (Applause.)

12 MR. KOZLOV: Thank you, Mr. Sphar.

13 The next speaker is Ms. Dorothy Amstadt.

14 MS. AMSTADT: It's my understanding that
15 this plant will not come under Florida law or
16 Public Service Commission rules. Who, then, is
17 going to monitor them? If they don't come under
18 Florida law, which --

19 MR. KOZLOV: Their emissions come under
20 Florida and federal law.

21 MS. AMSTADT: Well, all I know is what was
22 stated in the County Commission meeting. That is
23 a concern, that they should come under Florida law
24 and be under the Public Service Commission.

25 The other thing I'm concerned about, there

1 was an article in the Orlando Sentinel not long
2 ago, that our air quality in Central Florida has
3 gone 28 percent in the last three years.

4 All of these power plants, all these new
5 proposed ones are going to combine -- they are all
6 going to be cumulative.

7 A friend of mine told me recently she had
8 taken her eight-year-old son to a pediatrician who
9 said this generation will never grow old because
10 of the heavy pollution that we already have now.

11 This needs to be considered also. And it
12 doesn't appear to me that it is being considered
13 because you are continuing to allow more and more
14 polluting plants. Please reconsider.

15 (Applause.)

16 MR. KOZLOV: Thank you, Ms. Amstadt.

17 The next speaker is Ms. Florence Broaddus.

18 MS. BROADDUS: I'm going to approach this
19 problem from a little different, oblique point of
20 view. Our planet is supposed to be four, four and
21 a half billion years old. That's pretty old.

22 The dinosaurs went extinct sixty-five
23 million years ago. Please observe I've already
24 changed from billion to million.

25 We, in Florida didn't exist them. We had

1 not risen out of the sea. By thirty million years
2 ago, we in Florida had a fair population of all
3 kinds of animals, including mastodons and saber-
4 tooth tigers, right where we live. And a whole
5 bunch of others. Exciting. Dramatic. Go to your
6 museum down the road and have a look at their time
7 line of who's lived in Florida.

8 All right. I'm seventy-nine years old,
9 which is older than most of you and I've made good
10 use of my time to wander the planet. Sixty years
11 ago I was living on an Eskimo island in the middle
12 of Bering Straits.

13 Our water supply was to chop frozen snow off
14 the pressure ridge peaks of frozen seawater, ocean
15 ice. You can still do that today, but times have
16 changed in the Arctic.

17 Now, remember now, we're talking about one
18 person's lifetime, not even a tick of a clock, not
19 a full second, just a splinter of time, compared
20 to the age of the earth.

21 We now have PCB's in the mother's milk of
22 the Eskimos. I've made two trips to Antarctica.
23 I got hung up on penguins. I went through a
24 penguin period, and discovered, to my horror, that
25 there's radioactive stuff down there in the

1 penguins, in the ice and that the food supply is
2 becoming depleted in the Antarctic's rich ocean
3 full of krill.

4 Now, maybe the Japanese fisherman are
5 helping with that and maybe we've stopped shooting
6 whales has helped with that, but nevertheless, the
7 food supply there is going down.

8 Talk to your old guys my age around here on
9 how few fish are in the Indian River, compared to
10 when they were kids. Well, of course, the other
11 thing that I'm just waiting for it to start to
12 rain, because those same old guys did their
13 fishing right where Viera is today and that was a
14 fine piece of water to catch fish in. I think
15 those days could return.

16 Now, this is a split-second. Fifty years
17 ago is the first time I came to Florida, and I've
18 only lived here twenty years. I'm not sure I made
19 a smart decision.

20 I do notice a difference in quantity,
21 pollution, growth. Because I'm a farmer I am
22 happy to tell you that the farmland in Florida did
23 improve from the skinny, wretched nonmineralized
24 cattle when they discovered salt blocks with
25 minerals in it and improved the pasture lands.

1 But now you gentlemen are high-tech, and I
2 am very low-tech. I've listened to all these
3 hours and I sat back there and was thinking how
4 many hours do I use your product for heating or
5 cooling my house. And I came to the conclusion,
6 living here in Florida, I don't use 200 hours of
7 either heat or air conditioning.

8 I designed my house with an R-40 in the
9 roof. Anybody else have an R-40 in their roof?
10 Good. One man.

11 Keep the heat off your living room ceiling,
12 basic secret. Don't listen to Florida Power &
13 Light. They wouldn't even speak to me because my
14 house didn't fit their specifications. It was so
15 different.

16 I've got most of the plants on your list in
17 my house, plenty of them. If anybody needs a
18 cutting, just apply. I've got most of them. You
19 are more than welcome. Yards of Golden pothos.
20 You can take it home by the armload. It grows
21 well.

22 Now, the point of all of this is: We can
23 help ourselves to a degree, but we have to have
24 your help with this basic pollution that is very
25 obvious to me in the twenty years since I have

1 lived here.

2 I have one-fourth the birds in my yard, two
3 percent of the butterflies I used to have. You
4 can blame pesticides, but your pollutants are also
5 responsible.

6 Florida certainly should be a healthy place.
7 Living with those Eskimos was a lot healthier than
8 living here. Once you got rid of all those white
9 people and it got cold in the wintertime and they
10 took the boat cold with them, no self-respecting
11 germ would live there and you weren't sick anymore
12 till they came back again.

13 Now, of course, the Eskimos kept saying to
14 me, germs, white man's superstition. But I think
15 in sixty years they've changed that tune a little
16 bit.

17 I've never known so many people to have
18 chest complaints, allergies and that sort of thing
19 as here in Florida anywhere I've lived. And I've
20 lived an awful lot of places.

21 And that is the pollution you are bringing
22 to us and also getting our birds and our
23 butterflies. Now, if you'd get our fleas and our
24 cockroaches -- if you're high-tech you would zero
25 in on them, I would like that.

1 So, let's be practical about what we're
2 doing. But, I repeat, that in the -- not even a
3 tick of the clock of my lifetime the change in
4 this planet has certainly gone downhill
5 ecologically and environmentally.

6 And I've been around and I've looked at it
7 and there are so many fewer fish on the Barrier
8 Reef in Australia from the first time I swam on it
9 until twenty years later when I swam on it again.

10 It's unbelievable, the changes one little
11 old lady has observed. Please help us out. Don't
12 make this pollution worse. Don't add to the
13 pituitary tumors that are at a high point in this
14 community. It's very rare, but we've got them and
15 those people are concentrated up there with those
16 power plants, number one, and you want to catch
17 them in a triangle.

18 It's not the thing to do. It's not right.
19 It's not fair, it's not decent. It's not human.
20 It's just high-tech.

21 (Applause.)

22 MR. KOZLOV: Thank you, Ms. Broaddus.

23 The next speaker is Ms. Susan Giesecke.

24 MS. GIESECKE: I just have a simple question
25 for you right now. The sulphur dioxide, isn't

1 that the stuff that smells like rotten eggs?

2 Okay. Now, when the FPL Cape Canaveral
3 thing, isn't that within the acceptable
4 parameters, their output for sulphur dioxide?

5 MR. HALPIN: Yes, they are.

6 MS. GIESECKE: Okay. Well, it stinks out
7 there so much, when the wind is blowing in our
8 direction, so if they're within acceptable
9 parameters and it smells, then even your Oleander
10 Plant may smell, right?

11 SPEAKER: Yes. There is a possibility,
12 right.

13 MS. GIESECKE: Well, you know, the dump is
14 right there and if this blows the right way, which
15 is --it smells awful now. Anyone that wants to
16 sell their home around here won't be able to if
17 you get wind from the south and it smells, or you
18 get wind from the west and it smells. Right?
19 Doesn't that pretty much narrow down the
20 possibility of your selling a house or your
21 property value going down?

22 I mean, I'm not planning on moving right
23 away. Also I have another question. This is
24 sponsored by Baltimore Power, right? So we will
25 not use this, right? Their output is not for us,

1 is that correct?

2 MR. HALPIN: I don't know where their output
3 will go. I can't tell you that. It will go into
4 the electrical grid --

5 MS. GIESECKE: They have a plant that is
6 from Texas and I was just wondering why they
7 didn't build their plant there. I mean, why does
8 Baltimore have to come here? Baltimore leases
9 their property in Texas?

10 (Applause.)

11 MR. KOZLOV: Thank you, Ms. Giesecke.

12 The next speaker is a Ms. Denise Beasley.

13 MS. BEASLEY: I have some questions. I'm
14 not going to talk at you. I really want to hear
15 your opinion on things. I know you've traveled a
16 long way.

17 Will this Oleander project cause any adverse
18 impacts on the human health or the environment?

19 MR. HALPIN: My answer is: Not according to
20 the federal and state standards.

21 MS. BEASLEY: Okay. Another question: Will
22 the Oleander project, together with other power
23 projects and other industrial sources in the area
24 cause adverse impacts on the human health and the
25 environment?

1 MR. HALPIN: Same answer.

2 MS. BEASLEY: Same answer. Okay.

3 And my last question: Is Oleander's 60-foot
4 stack tall enough to protect the environment?

5 MR. HALPIN: Based on the modeling that's
6 required for this, yes, it would be.

7 MR. LINERO: Let me add something to that.
8 The emissions from the other plants in the county
9 are coming out of plants that are probably several
10 hundred feet tall, but the temperature in those
11 gasses, are, you know, two, three hundred degrees
12 Fahrenheit.

13 The temperature of the gases coming out of
14 this plant, as the one gentleman pointed out, that
15 they are not as efficient as they could be. Well,
16 that's because 1100 degrees of temperature goes
17 out of those stacks, so 1100 degrees, you get a
18 tremendous plume rise, that is to say that the hot
19 gases go straight up quite a distance, so that is
20 why the sixty-foot would be sufficient.

21 It wouldn't make any sense for them to put a
22 two, three-hundred foot stack on it. By the same
23 token, if the other companies lowered their stacks
24 to sixty feet, you know, they wouldn't be
25 permissible simply because their plumes don't rise

1 as much, plus they contain more contaminants in
2 their plumes.

3 MS. BEASLEY: Thank you. That was it.

4 MR. LINERO: Okay.

5 MR. KOZLOV: Thank you, Ms. Beasley.

6 Lastly, I have a Ms. Catherine Stallings.
7 The last speaker.

8 MS. STALLINGS: I just have a question.
9 This chart talks about emissions and pollutants
10 and apparently the Oleander Plant is a Title 5.
11 Is there a Title 6?

12 MR. LINERO: Yes, there is.

13 MS. STALLINGS: Okay. Would they come close
14 to the Title 6?

15 MR. LINERO: No. I think Title 6 just means
16 it's a totally different program. I'm not sure,
17 but I --

18 MS. STALLINGS: Just gasses everybody,
19 right?

20 MR. LINERO: No. I believe that's the one
21 that tries to control the freon that's used in
22 appliance. I believe that's what Title 6 means.
23 It's just a separate program.

24 MS. STALLINGS: Title 5 is awfully high. No
25 matter how you look at it, there has to be a 4, a

1 3, a 2 an a 1, correct?

2 MR. LINERO: Yes.

3 MS. STALLINGS: Well, this is a 5.

4 MR. LINERO: And a 4.

5 MS. STALLINGS: Okay. A 5 is the highest
6 you can get around the earth. Another thing is,
7 is I think, since you're environmentally, you
8 should really look at the people, you know, that's
9 going to be affected by the plant.

10 Have you ever thought about looking at the
11 Need? Does that area really need a plant? They
12 talk about it's going to help us with gray-out and
13 brown-out. We don't have gray-out. We don't have
14 brown-out.

15 On the radio program, Mr. Wolfinger, they
16 asked him if this power plant would be supplying
17 power to the residents of Brevard County and the
18 answer was probably not.

19 Okay. That means that -- do we have the
20 need, no. Do we pay the price, yes. Thank you.

21 (Applause.)

22 MS. TIDD: I didn't get called.

23 MR. KOZLOV: All I got was those --

24 MR. LINERO: We have till nine.

25 MR. KOZLOV: Yes. We have till nine. I was

1 going to -- my next comment -- that was the last
2 speaker I had on these cards, if you will, but if
3 there are other questions, we'll still receive
4 them from the floor.

5 What is your name?

6 MS. TIDD: I'll introduce myself.

7 MR. KOZLOV: Okay.

8 MS. TIDD: My name is Amy Tidd. I'm a
9 member of the Port St. John Advisory Board,
10 elected by the population of Port St. John. I've
11 been with the homeowner's association there for
12 seven years.

13 This is -- a lot of you have just recently
14 learned all about power plants. Maybe not, but
15 we've been fighting this issue for many years in
16 Port St. John. And I've had many a meeting with
17 Florida Power & Light.

18 We only had one with the Orlando Utilities.
19 It was very effective. That changed the
20 pollution.

21 Now, I just had some questions about this
22 here. First of all, is this reported or is this
23 measured?

24 UNIDENTIFIED SPEAKER: Reported.

25 MS. TIDD: Reported. Okay. Because we have

1 one plant that we see nothing coming out of and we
2 have the other plant that you see quite a plume.

3 Would that fit in with that, with those
4 figures?

5 MR. LINERO: I can say this: The -- that
6 they're reporting those numbers at least for the
7 nitrogen oxides and the sulphur dioxide. I
8 believe they are required to maintain what are
9 called continuous monitors in their stacks and
10 those things are audited. I believe those are
11 probably very accurate numbers on the carbon
12 monoxide and the SO2.

13 MS. TIDD: Okay. Well, the big thing that I
14 want to say here is that 1997 was a great year for
15 pollution here. 1996 we met with Orlando
16 Utilities. They agreed to lower their level of
17 pollution.

18 If you look at this little chart -- there's
19 no numbers on this, but Brevard County, it dropped
20 significantly in 1997. Orlando Utilities dropped
21 to a lesser use fuel. They also dropped -- they
22 don't -- they don't fuel -- they don't power much.
23 I don't know what the word for it is, but they
24 don't run at high capacity.

25 Okay. At that time we talked with Florida

1 Power and Light. They dropped it a bit, but they
2 were at 45 percent capacity at that time. We'd
3 had some changes here.

4 I know you guys have been reading in the
5 paper. First of all Orlando Utilities now has
6 been bought. They have been running at low load.
7 This is not -- this is nothing. This is ten
8 percent or fifteen. I don't -- I'm not good at
9 figures, but I know that this is not what Orlando
10 Utilities is capable of.

11 You're going to add double to triple that if
12 the new plant comes in and run at what they can
13 run at. This is nothing. Florida Power and Light
14 you're at 45 percent. Right now Florida Power and
15 Light, the last year, they've had a lot of plants
16 go off the line.

17 So, if you've noticed, they've been burning
18 in the winter. They've been doing that because
19 they picked up the load. We met with them several
20 weeks ago and we asked them: What's the plan?
21 Are you planning to burn some better fuel? Are
22 you going to do since you are burning more?

23 Their answer is, at this time they have a
24 ten-year plan for plant modifications, changes,
25 nothing is on there.

1 '97 was a good year, but if you look at the
2 figures right now, I don't believe they're going
3 to be the same figures. I don't. I have never
4 seen the amount of haze, so I -- I monitor this on
5 a continual, daily basis. I call them -- you
6 know, maybe not daily but regularly.

7 I have called you. I've talked to you guys.
8 So, I've been really active in this, and we have
9 never seen the amount of pollution that's going up
10 right now with the haze. And in about -- when
11 does EF pick up their -- have they contacted you
12 as far as when they are going to start operations?

13 UNIDENTIFIED SPEAKER: Who is that?

14 MS. TIDD: Who bought Orlando Utility Plant?
15 Have they --

16 UNIDENTIFIED SPEAKER: We don't --

17 MS. TIDD: You don't know. Okay. Well, I
18 don't know. I'm optimistic. Port St. John
19 homeowners will be meeting with them also, but we
20 very well could see pollution levels double or
21 triple from that plant because they have not been
22 running. They have not been running capacity.
23 They have been burning low-level fuel. They can
24 burn a lot higher. They've been burning .9 -- .9
25 they told me. They can go up to 2.2.

1 So, this -- what I'm saying is, we already
2 have a problem right now that's going to get
3 worse. This -- this -- another power plant is
4 just going to tip the balance. It's going to go
5 worse already.

6 This issue has gone to the Brevard County
7 Commission. They are meeting to have some kind of
8 -- we have two problems right now. And I've been
9 fighting this for years.

10 We really don't need another one. All these
11 people are here tonight to tell you that.

12 (Applause.)

13 MS. TIDD: So, we really need your help --
14 as coming down here, we know you are here to help
15 the people of Florida, so give it your best shot.
16 I believe that you need to have another year --
17 you have to have some newer testing. Those
18 figures -- I was figuring this out back there.
19 I think right now that there's twice the pollution
20 on the chart as what's right now, and if -- ES, is
21 it? I believe it could get to three times what's
22 going on right now.

23 So, don't use these figures. This was a
24 very good year. Nothing came out of the stacks.
25 Nothing, because I'm there. I'm watching.

1 (Applause.)

2 MS. TIDD: If you would like my name and
3 phone number, I'd be glad to give it to you,
4 because as far as -- I mean, I monitor this
5 project.

6 (Applause.)

7 MR. KOZLOV: We have one more. Mr. Bock, we
8 have about five or six more minutes here. Go
9 ahead if you want to speak.

10 MR. BOCK: I'd like to ask -- you know,
11 you've heard quite a bit of testimony on our
12 behalf, that we see this haze. We have a problem
13 here. We are triangulated in.

14 And I want to ask, with the DEP request that
15 they have a year of monitoring, as we the people
16 in this area, for the DEP, we have valuable input
17 and you can change some of your requirements
18 because of our input.

19 We require all kinds of monitoring for ozone
20 in the area that this plant's being built. That's
21 what we want.

22 MR. HALPIN: I don't have the authority to
23 tell you that.

24 UNIDENTIFIED SPEAKER: Will you try?

25 MR. HALPIN: We will certainly consider it.

1 We will certainly consider it. I need to discuss
2 it, of course, with our meteorologist, some of our
3 ambient monitoring people, because we have a
4 number of monitors around here.

5 We would want to see where they are and try
6 to figure out what a new monitor could go or would
7 go. Talking in terms of funding, if we -- if we
8 thought a new monitor was, you know, was warranted
9 or needed, well, we certainly would recommend
10 that.

11 We will talk to Oleander, ask them to
12 volunteer one, and then take a look at the rules
13 to see what authority we would have to require
14 one.

15 But, we can't make that decision tonight,
16 but we will certainly make it in conjunction with
17 issuing this --

18 MR. BOCK: One more thing. Can this be a
19 consideration if 1700 sign a petition, 2000 people
20 representing the City of St. Johns. We have a
21 public records -- we have requested the ozone
22 monitoring be done at the site because of
23 automobiles and because of triangulation of other
24 plants?

25 MR. HALPIN: We certainly have your request

1 on it and we will certainly will review it and
2 act.

3 MR. BOCK: Okay. Also, do you know that on
4 some of these graphs that 1.7, which is part of a
5 federally protected river, the St. Johns River,
6 that many of these pollutants will fall out, wash
7 down into that area?

8 And I just considered if you covered
9 functional wetlands. I know your air application
10 asks that, but I think these are things that you
11 need to share with other parts of your department,
12 whoever covers the conservation aspect of the
13 water, et cetera.

14 MR. HALPIN: Yes. We've -- as far as what
15 all the other facilities are doing and their
16 impacts on wetlands and so forth, you know, we're
17 not -- we're not sure that we can review all these
18 other existing facilities in the course of
19 reviewing this one, but it's been my experience
20 from years of being in this business and
21 permitting, that the amount of possible emissions
22 from this facility and the types of pollutants
23 aren't something that is likely to fall out in
24 such significant quantities in these areas such
25 that you would actually see a benefit and be able

1 to trace it back to that plant.

2 However, that -- you know, that's just my,
3 you know, my opinion on it.

4 MR. BOCK: Thank you. Mr. Linear, we feel
5 that they went from 2000 to 1500 not to break the
6 threshold of 100, 104 --

7 MR. LINERO: Yes.

8 MR. BOCK: -- to stop and bypass this study.
9 We don't know what the aspect is of them coming in
10 later and requesting more hours as they operate.
11 You know, people do do that.

12 So, we want you to take into consideration
13 we're at threshold, we have a problem here now and
14 you and the Department needs to protect us and
15 monitor this area.

16 MR. KOZLOV: I think there's a lady back
17 there. Yes, ma'am.

18 UNIDENTIFIED SPEAKER: Yes.

19 MR. KOZLOV: I'm sorry. What is your name,
20 ma'am?

21 UNIDENTIFIED SPEAKER: I don't know if I
22 misunderstood about the smoke stacks. If it
23 doesn't go up, where does it go?

24 MR. LINERO: I'm sorry. I think what I was
25 saying is that the -- that the hot gases which for

1 this plant appear to be fairly low in pollutants,
2 what we're saying is that the temperature is so
3 high, it's 1100 degrees Fahrenheit, that it shoots
4 up.

5 In other words, it has tremendous buoyancy
6 and a lot of lift, so it disperses upwards and,
7 you know, that's why a 60-foot stack is sufficient
8 for this project, but it certainly would be
9 woefully inadequate for a project burning a heavy
10 oil or coal and so forth.

11 I think that's -- I think that's what we
12 said.

13 UNIDENTIFIED SPEAKER: Well, who is it going
14 to impact, the people living closer to it, or
15 people that live away from it?

16 MR. LINERO: Who would it impact?

17 UNIDENTIFIED SPEAKER: Right.

18 MR. LINERO: It would probably --

19 The question is: Who would it impact?
20 Okay. It wouldn't impact anybody significantly,
21 but if it impacted anybody, it would probably be
22 people some -- you know, some miles away, rather
23 than right then and there.

24

25 MS. STALLINGS: My name is Cathy Stallings,

1 and just because some of this, I would like to
2 send you some notes by E-mail. Could I have your
3 E-mail address, please?

4 MR. HALPIN: Certainly.

5 MS. STALLINGS: Can you say it out loud?

6 MR. HALPIN: Yes. I'll give you mine. And
7 theirs is the same. Just different names. It's
8 Halpin, H-a-l-p-I-n, underscore, M as in Michael,
9 and then the "at" sign, DEP.state.fl.us.

10 MS. STALLINGS: We will be sure that
11 everybody gets that.

12 MR. HALPIN: Okay. That underscore is just
13 an underline without anything above it. It's just
14 a -- you know, just like a dash but an underline
15 type dash, with nothing over it.

16 MR. KOZLOV: Any other questions? I'll have
17 this gentleman -- give him an opportunity.

18 MR. DOFER (ph): Just one quick question.
19 I'm Jack Dofer, and I live in Canaveral Groves.

20 Dispersion of the gases out of a sixty-foot
21 tower probably depends a lot on prevailing winds
22 and the wind speed.

23 So therefore, even though you think it's
24 rising quickly, it's not going to go straight up.
25 It's going to go over Canaveral Groves if the wind

1 is out of the southwest. That's what I don't
2 like, because now I got enough -- when it comes
3 out of the northwest with FP&L and also out of the
4 old Orlando plant, it comes our way.

5 Now, we're getting it from another way.
6 Again, this is -- this is your department. This
7 is the pollution that you can control to help us,
8 because our community is growing. That little
9 Canaveral Grove out there is just growing six or
10 eight houses a week almost, it looks like.

11 And so, you know, it's coming our way, and
12 that's what we don't want. Thank you.

13 MR. KOZLOV: Robert Knodel.

14 MR. KNODEL: I'd like to just share with
15 everybody something -- something that I learned.
16 I've taken a lot of courses in hazardous waste
17 management, hazardous waste training, and there's
18 a couple of points that I learned, and that is,
19 when a hazardous waste or anything that's
20 generated, it doesn't magically disappear when it
21 gets shot out of a sixty-foot stack. I don't care
22 what temperature it's at.

23 This lady back here started touching on it.
24 That stuff goes somewhere. The prevailing wind.
25 If there's no wind it's going to fall on top of

1 us.

2 There's something called cradle to grave
3 that is the responsibility of the person that
4 generates that hazardous waste. They are
5 responsible for that from generation point, which
6 is called the cradle to the grave.

7 Well, what we're saying here is, a pollution
8 is a byproduct of the generation of electricity,
9 is these pollutants that we are talking about
10 here. Yes, the state and the federal government
11 has regulations that have to be met.

12 I want everybody to understand the
13 philosophy that even if these standards are met,
14 the pollution still exists. They are there. They
15 don't magically disappear when they go up into the
16 air.

17 Thank you.

18 MR. KOZLOV: I believe there is a gentleman
19 in the back. Yes, sir. And your name?

20 UNIDENTIFIED SPEAKER: My name is
21 (Inaudible.)

22 I just wanted to state -- somebody up there
23 said that sulphur dioxide has no fall-out and
24 that's false because it comes out like an acid you
25 cannot see, but it finds its lowest point and then

1 it stays on the ground.

2 Whether you have breeze or not, it's going
3 to stay in grass. It's going to rain and it's
4 going to run off. That's a fact.

5 (Applause.)

6 MR. KOZLOV: Any other questions?

7 MR. BOCK: If the application's made
8 complete --

9 MR. KOZLOV: I want to -- this lady here.

10 MS. BROWN: Real estate has not been brought
11 up. May I --

12 MR. KOZLOV: Yes, ma'am. If you want to
13 speak up here, that's fine.

14 MS. BROWN: I guess I'd better.

15 MR. KOZLOV: And your name, ma'am.

16 MS. BROWN: Quincey (ph) Stanton Brown.

17 MR. KOZLOV: Okay.

18 MS. BROWN: Real estate value has not been
19 expressed tonight. I didn't hear it. But I just
20 wanted to make a point. I did not come prepared
21 to speak or I would have looked up more about
22 this.

23 But in 1968 my husband and I came to Florida
24 and bought an acre of land at Palm Beach Heights.
25 That is in Martin, in Palm Beach County.

1 My husband is from Harlan, Kentucky where
2 there is coal, so we knew what that could do and
3 we did not think Florida would have anything like
4 that. We found out there were some problems about
5 it and we found out somewhere on up the road
6 toward Okeechobee there was a turbine, whatever
7 that is, I don't even know.

8 Anyway, we were never allowed to build.
9 And, as I say, in '68 it was \$5,000. Today I
10 worked on my income tax. I had a bill for that
11 property and it is valued at \$350. My tax on it
12 is \$38.60. So that's what it can do to real
13 estate.

14 (Applause.)

15 MR. KOZLOV: I think we can just take one
16 more question because we have been asked to close
17 this up.

18 Yes, sir, Mr. Bock.

19 MR. BOCK: If the application is considered
20 complete tomorrow, will you still ask that the 12-
21 month monitoring be done at that site?

22 And also, we realize that in Tallahassee you
23 all have lobbyists there. We're doing the best we
24 can for lobbying on our behalf. I take exception
25 to the statement this is low pollution, the VOC's

1 are 94 and perhaps a little bit lower with
2 reductions and how it's pushing the ozone issue I
3 have my problem with.

4 And that's why I'm saying this. Will the
5 monitor still have a chance to be in place if you,
6 indeed, tomorrow complete -- say the application's
7 complete?

8 MR. LINERO: Okay. The fact that a -- the
9 fact that an application is complete doesn't mean
10 we can't set permitting requirements, so, you
11 know, it's something that we -- it's something
12 that we can consider whether the application is
13 complete or not.

14 MR. BOCK: I just wanted to make the point
15 that the 94 VOC -- and the VOC's the ozone
16 problem?

17 MR. LINERO: I'll tell you what the ozone
18 problem is and it's worth digressing a little bit.
19 The ozone problem is the combination of the
20 nitrogen oxides that you see up there together
21 with the VOC in the presence of sunlight.

22 MR. BOCK: The automobiles down on I-95 in
23 the sun and the power plant.

24 MR. LINERO: All of that contributes, but
25 it's the nitrogen oxide and the VOC's and the

1 presence of sunlight.

2 MR. BOCK: And nitrogen oxide is the largest
3 of the figure?

4 MR. LINERO: Yes, it is.

5 MR. BOCK: (Inaudible) When will we hear
6 the response on whether you will ask for a year's
7 monitoring, since the original application exceed
8 that threshold and the intent, and now it's barely
9 going under it on behalf of protecting the people?
10 When will we hear that decision?

11 MR. LINERO: Okay. I believe that -- I
12 believe that we will be in a position to know that
13 probably within a week.

14 MR. BOCK: We would like to request that we
15 have another meeting here to discuss that, rather
16 than this E-mail situation, because we can have
17 more people here at the next meeting.

18 MR. LINERO: Okay. The next opportunity for
19 a meeting will be when we issue an intent. That
20 could be a week. That could be a month from now.

21 And at that time, we will be able to have
22 another public meeting during the 30-day comment
23 period.

24 MR. BOCK: We can't have two hearings of
25 this same line?

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MR. LINERO: Well, one today and the possibility of another one subsequent to the issuance of the intent.

MR. BOCK: And that's where you would probably discuss the monitoring of the ozone?

MR. LINERO: At that point we would be discussing an actual intent, whether it was to issue or to deny, and the terms of the permit conditions.

MR. BOCK: Gentlemen, please consider that.

MR. LINERO: Thank you.

MR. KOZLOV: I think we are past our time. I suggest if you have additional questions, I know Ms. Tober has those forms for any written questions you may have. We will go ahead and respond in writing.

And we thank you for your attendance.

(Thereupon, the meeting was concluded.)

C E R T I F I C A T E

1 THE STATE OF FLORIDA,)

2 COUNTY OF SEMINOLE,)


3 I, Dale E. Bragg, CVR, Court Reporter and
4 Notary Public, State of Florida at Large,

5 DO HEREBY CERTIFY that the above-entitled
6 and numbered cause was heard as hereinabove set out;
7 that I was authorized to and did transcribe the
8 proceedings of said hearing, and that the foregoing and
9 annexed pages, numbered 1 through 101, inclusive,
10 comprise a true and correct transcription of the
11 proceedings in said cause.
12

13 I FURTHER CERTIFY that I am not related to
14 or employed by any of the parties or their counsel, nor
15 have I any financial interest in the outcome of this
16 action.

17 March 18, 1999

18 IN WITNESS WHEREOF, I have hereunto subscribed my
19 name and affixed my seal, this 19th day of March, 1999.

20
21 
22 _____
23 DALE E. BRAGG, CVR, Notary Public
24 State of Florida at Large

25 My Commission Expires: 2/18/2000



Dale E. Bragg
MY COMMISSION # CC527761 EXPIRES
February 18, 2000
BONDED THRU TROY FAIR INSURANCE, INC.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR RESOURCES MANAGEMENT

PUBLIC WORKSHOP

May 13th, 1999

Brevard County Agricultural Center
3695 Lake Drive
Cocoa, Florida 32926

OLEANDER POWER PROJECT
AIR PERMIT APPLICATION

PERSONS PRESENT:

- LEN COZLO
- MICHAEL HALPIN
- CLEVELAND HOLLADAY
- AL LINERO
- TAMMY EGAN
- DOUGLAS BEASON
- KIM TOBER

ORIGINAL

BUREAU OF
AIR REGULATION
JUN 04 1999

RECEIVED

P R O C E E D I N G S

1
2 MR. COZLO: Good evening, ladies and
3 gentlemen. My name is Len Cozlo. I am the
4 program administrator in the Central District in
5 Orlando.

6 And this evening, it will run about two
7 hours, this meeting. We'll have discussions
8 concerning the Oleander project that you are here
9 for, of course.

10 Now, before we get going, if anybody desires
11 to speak at the end of the presentation or at the
12 end of this portion of it, please fill out a card
13 in the back. Ms. Tober has them. It's a
14 yellow/orangeish type card that she's holding up
15 in the back. Put your name there and we'll bring
16 them up here and then we'll call you up,
17 accordingly, if you so desire to say something
18 after this.

19 This evening -- yes, sir.

20 MR. ROWE: Before you get started, in
21 reference to your notice to the general public, I
22 just got this from the gentleman there, and I'm
23 having a very serious concern because there was
24 nothing in today's paper pertaining to this
25 meeting.

1 The document I have in my hand here, I just
2 got from the gentleman there, stating that this
3 was requested to be put in Today's, April the 8th
4 paper, 1999.

5 If I'm not mistaken -- and I'm not a lawyer,
6 it appears that you are required to make another
7 announcement in a specified period of time so that
8 the public will be aware of what's taking place.

9 I spoke with the county commissioners today
10 and their staff doesn't even know anything about
11 this meeting. I stayed on the phone better than a
12 half a day today calling people so that they would
13 be aware of this meeting and ask them to call
14 other people.

15 I'm having a problem that this was not done
16 in the paper as you did your intent to issue. It
17 doesn't have the PR that you intend to issue, the
18 permit, in reference to this meeting, is where the
19 general public is concerned.

20 I don't know what kind of negative impact it
21 has had on the public because there's quite a few
22 people who are upset with this particular subject
23 matter and would probably be here today had they
24 had public notice.

25 And the times are screwed up, and I'm

1 requesting, before you ever get started, that this
2 hearing or whatever you care to call it, be
3 postponed until proper notice is given to the
4 public, and then the people will have an
5 opportunity to come here and voice their concern.

6 And not only that, but half the county
7 commission might have some interest in reference
8 to what you're doing here today.

9 So, that's why I wanted to speak before you
10 ever got started. It doesn't make sense to sit
11 here two hours and a lot of people not knowing
12 about this meeting, had they known about it, they
13 would have been here to voice some concern and to
14 advertise something April the 8th and expect
15 somebody to keep it here -- I can't figure out
16 what I did yesterday.

17 So, I'm having a real serious problem, and I
18 would like for the record to reflect that I have
19 voiced the concern and I therefore request that
20 this meeting be postponed and that the proper
21 notification be given to the public so that they
22 might be able to be here to voice their concerns
23 if they have any.

24 Thank you, sir.

25 MR. COZLO: Doug, what is your -- what do

1 you want to say about that?

2 MR. BEASON: I can't speak directly --

3 MR. COZLO: This is our attorney, Mr. Doug
4 Beason, from OGC, Office of General Counsel in
5 Tallahassee.

6 MR. BEASON: And I notice we've got a court
7 reporter present. So, if we're going to make a
8 record or a good record, I would suggest that when
9 the people speak, that they identify themselves
10 before they speak so that the court reporter can
11 take down their name and your comments can be
12 attributed to you.

13 MR. COZLO: What is your name, sir?

14 MR. ROWE: My name is Clarence Rowe. I live
15 at 14 Pennsylvania Avenue, Rockledge. Did you
16 mention a court reporter?

17 MR. BEASON: Yes. I believe there's a court
18 reporter.

19 MR. COZLO: Right here.

20 MR. ROWE: Oh, sorry about that.

21 I was still -- I would like to go a little
22 bit further, then, considering that this hearing
23 be postponed. I would like to demand that it be
24 postponed, based on the fact that the proper
25 notification hasn't been given to the public.

1 MR. BEASON: All I'm saying is that I
2 haven't looked at the document that you just
3 looked at it.

4 MR. ROWE: Take your time.

5 MR. BEASON: My understanding is notice has
6 been provided 30 days prior to the public hearing.

7 MR. COZLO: Yes.

8 MR. BEASON: And I would suggest -- I'll--

9 UNIDENTIFIED SPEAKER: There's nothing
10 nothing since, nothing.

11 MR. BEASON: Well, let me just say this:
12 The requirements that we are operating under here
13 are the requirements of federal law, and it's my
14 understanding that as far as this -- the notice
15 goes for this public meeting, proper notice has
16 been given.

17 And I understand your comment and perhaps,
18 you know, we can address it another day once I've
19 had an opportunity to --

20 MR. ROWE: Let me --

21 MR. BEASON: You have some people here. And
22 there obviously are some people here.

23 MR. ROWE: Well, I agree with that. What
24 I'm saying is --

25 MR. BEASON: I understand that you don't

1 agree with the type of notice that was given.

2 MR. ROWE: Uh-huh.

3 MR. BEASON: But I haven't heard you say
4 specifically why the notice that was given was not
5 proper, other than when you got it, you didn't
6 write it down and so you didn't know about it.

7 I don't know that that necessarily rises to
8 the level of improper notice. So, what I'm saying
9 is, there are people here and we can have the
10 meeting. And if at some point in time you can
11 show me facts or law or facts and law to show that
12 the public -- that the notice that was given is
13 improper, then we will revisit the decision.

14 But, I haven't heard anything yet.

15 MR. ROWE: Well --

16 MR. BEASON: Not anything that shows that
17 the notice was improper, other than you don't like
18 the way that it was provided. That doesn't --
19 that doesn't suffice. I'm sorry.

20 MR. ROWE: Well, I'll --

21 MR. COZLO: Ladies and gentlemen, I think,
22 let's proceed with this. If you do want to speak,
23 please, there are cards up there to present your
24 name. We'll go forward with the program here, as
25 our attorney has noted.

1 Your comments have been noted in the record,
2 sir, and we will go forward from there.

3 MR. ROWE: I think what you're doing, you're
4 alienating people with your authority, rather than
5 accommodate people.

6 UNIDENTIFIED SPEAKER: I think you guys are
7 playing a lawyer game here, using some arcane law.
8 That's not what we want to hear in a public
9 dialogue, to do that kind of thing. That's why
10 you have newspapers.

11 My name is Louis Bard (ph), Blue Heron Road.
12 You are totally flying in the face of public
13 dialogue by playing some arcane lawyer game saying
14 you advertized a month ago in fine print
15 somewhere. It's ridiculous.

16 MR. COZLO: Okay.

17 MR. ROWE: I have one other concern here.
18 What about people that don't take the paper?
19 You've got to post this stuff, you've got to make
20 it where the public can know about it, because
21 everybody can't read and everybody don't take
22 Today's paper.

23 MR. COZLO: Thank you, sir. All right.
24 We'll proceed accordingly.

25 And what we'll have this evening, we are

1 going to have several people here. We have Mr.
2 Douglas Beason here as our attorney for the Office
3 of General Counsel in Tallahassee.

4 We have Mr. Al Linero. He's the supervisor
5 of the permitting in Tallahassee on this project.
6 We have Mr. Mike -- Michael Halpin. He is the
7 engineer on the project.

8 We have Mr. Cleve Holladay who is our
9 meteorologist, and we have Ms. Tammy Egan, who is
10 from our ambient air monitoring section in
11 Tallahassee.

12 There will be about fifteen-, twenty-minute
13 presentations of various items that will be with
14 Mr. Halpin, and Ms. Egan from the ambient air
15 monitoring, and then you will hear from Mr.
16 Beason. So, Mr. Beason, Mr. Halpin and Ms. Egan.
17 I'll get that straight.

18 And then we will have questions and answers.
19 If you have any comments, again, please fill out
20 the card in the back with your name and there will
21 be other information.

22 Okay. Mike. Or, Doug, I'm sorry. Doug.

23 MR. BEASON: I'll be real brief. I
24 certainly don't mean to get off on the wrong foot
25 here, and this isn't really the opportunity for

1 the lawyers to run the show or the lawyer to run
2 the show.

3 Basically what I have been asked to tell the
4 people that are here is that the department,
5 subsequent to the publication of the intent to
6 issue the permit, the department has received, I
7 believe, five or six separate petitions requesting
8 a formal administrative hearing concerning the
9 department's proposed agency action.

10 And the intent to issue, without getting
11 into the minutia of the subtleties of
12 administrative law, let's just be clear that the
13 intent to issue reflects proposed agency action on
14 the part of the department.

15 It is not a final decision. There has been
16 no permit issued. There will not be a permit
17 issued until a formal evidentiary hearing is
18 conducted. All of the parties involved will have
19 the opportunity to present evidence, to present
20 testimony, to offer exhibits into evidence, to
21 make their arguments, both as to the facts and as
22 to the law as to why they believe the permit
23 should not issue.

24 At this time an administrative law judge has
25 been assigned by the Division of Administrative

1 Hearings. The administrative law judge is not
2 affiliated by the department. He is in no manner
3 bound by the agency's decision. He is going to
4 act as a trier of fact.

5 The best analogy would be that the
6 administrative law judge acts in the same role as
7 a judge does in a nonjury trial. There will not
8 be a jury in an administrative hearing. Rather,
9 it will be a judge who will take in all the
10 evidence and evaluate the testimony and the
11 evidence and make a decision, make a
12 recommendation to the department after the
13 evidentiary hearing has concluded.

14 That decision would be reflected in what is
15 called a proposed recommended order. That
16 recommended order is entered by the administrative
17 law judge, is then sent to the department.

18 All of the parties are then allowed to file
19 what are called exceptions to the administrative
20 law judge's recommended order. Those exceptions
21 would basically argue why the parties -- certain
22 parties may agree with the administrative law
23 judge's findings and conclusions, or they may not.

24 And to the extent that they do not agree
25 with the recommendation and finding of the

1 administrative law judge, they will then have the
2 opportunity to argue to the secretary, Mr. Struse,
3 (ph) why they believe the administrative law judge
4 reached an erroneous conclusion.

5 After reviewing all those documents, the
6 department will then enter a final order. And the
7 final order may approve or it may deny the
8 requested permit.

9 It is certainly not a foregone conclusion.
10 It is a -- the administrative hearing is an
11 adversarial process, the means available to all of
12 the parties for obtaining discovery are the same
13 types of means that are available to parties in
14 civil litigation under the Florida Rules of Civil
15 Procedure.

16 It is a process by which, hopefully, we
17 reach the right decision, and hopefully the
18 concerns that have been expressed, will be
19 expressed and have been expressed earlier will be
20 addressed in one fashion or the other.

21 That administrative hearing is going to be
22 conducted in Brevard County. Unfortunately, I
23 know -- I was told today that the hearing has been
24 set for August 23rd, 24th and 25th of this month.

25 UNIDENTIFIED SPEAKER: August.

1 MR. BEASON: Excuse me. August.

2 Unfortunately, I don't know the exact
3 location. I can find that out. If any of you
4 want to write it down, my phone number in
5 Tallahassee is (850) 921-9624.

6 And I know that Mr. Rowe did not -- and I
7 had an obvious difference of opinion regarding the
8 public notice. But, in much the same manner that
9 I've attempted to answer questions and phone calls
10 and correspondence that he's directed to the
11 department, I will do so if you have questions or
12 comments.

13 The process right now, at least at this
14 point in time is the process that's been handled
15 by the engineers. Most of the gentlemen up here
16 have formal education, formal training and several
17 are engineers.

18 It hasn't been a lawyer process to date. I
19 haven't really been involved in the process at
20 all. I only really become involved after the
21 petition for administrative hearing was filed.

22 So, I can't answer a lot of engineering
23 issues, which I'm sure a lot of you may have, but
24 if you have legal questions or procedural
25 questions about how to -- if you want to

1 participate in an administrative hearing, if you
2 want to be a party, if you want to be able to
3 attend the hearing and offer a public comment.

4 One thing I should note is that the -- if
5 requested, the administrative law judge will take
6 public comment, and that basically is in the form
7 -- it's not testimony in the sense that a witness
8 is called by a party, but rather people who live
9 in the area who think they might be affected by
10 the decision are afforded the opportunity to come
11 in and make statements on the record that the ALJ
12 will take into consideration and make known that
13 their concerns expressed, they will make those
14 known to the secretary.

15 So, even though you may not want to
16 participate as a party to the adversarial
17 proceeding, that does not mean you do not have the
18 opportunity to come into the proceeding and offer
19 a public comment or your own comment concerning
20 your feelings about the proposed permit.

21 Does anybody have any questions?

22 MR. LINERO: I do. My name is Al Linero.
23 I'm an administrator of the new source review
24 section. I just wanted to ask Doug, if you know
25 if the administrative hearing itself will be

1 public noticed, or how can we make sure that the
2 word gets out so that folks can participate in
3 that, if that's something that --

4 MR. BEASON: There's no specific requirement
5 that notice be published in a local newspaper or
6 broadcast on radio or other media.

7 Generally what happens is that when a court
8 reporter or someone else is interested, either
9 county government or local government, is made
10 aware that this type of proceeding might occur,
11 they put in a phone call to my office and say,
12 gee, we'd like to know if this matter is set for
13 hearing or when this matter is set for hearing.
14 Please give us a phone call and let us know what's
15 going on.

16 And, again, I'll be more than happy, if
17 people have questions about when the hearing is or
18 where it's located or other matters involving the
19 conduct of the proceeding, just give me a phone
20 call and we'll get back to you.

21 But specifically, and that's perhaps where
22 Mr. Rowe and I may have had a little divergence of
23 opinion, is that there's -- at least as to the
24 administrative hearing, there's no specific
25 requirement that it be published in a particular

1 newspaper at a particular time.

2 It's generally the intent to issue is what
3 places parties on notice of the pendency of the
4 proceeding. And once they know that the agency is
5 proposing action on the permit, it's somewhat
6 incumbent upon them to stay current.

7 One way they can stay current is simply by
8 giving us a phone call or requesting -- in fact,
9 you can write, and if you want notice that a
10 hearing has been scheduled, you can write my
11 office and -- all of these documents are public
12 record.

13 I can fax you a copy of the notice of public
14 hearing. I can provide you with any copies of
15 documents that you want. It's all public record
16 and it's just a matter of comment.

17 I can give you my E-mail address or you can
18 contact anyone with the Division of Air Resources
19 like Mr. Cozlo.

20 MR. LINERO: We'll send out a reminder --
21 we'll send out a reminder at least a month before
22 this hearing takes place to the list of people who
23 have been maintaining contact with us by E-mail at
24 the very least. I think that there's probably a
25 good ten, fifteen of those.

1 And we will E-mail the county commission,
2 let's say a month, and maybe we'll send them a
3 reminder a couple of weeks ahead of time as well.

4 So, it sounds like we won't be publishing
5 this in the newspaper, but we will -- but we will
6 get the word out, and I think anybody who wants to
7 know about it certainly will know about it.

8 MR. COZLO: Okay. Thank you, Doug.

9 Our next speaker is going to be Mike Halpin.
10 He's going to update the mission's info from the
11 last meeting we had here. I guess it was about a
12 couple of months ago or so.

13 Okay. Mike.

14 MR. HALPIN: Give me just a minute to try to
15 get this computer thing set up.

16 There were a few overheads that were
17 presented at the last meeting in March that are
18 now in need of being updated. And essentially I
19 wanted to do that for the record, so you'll see
20 those significant changes in a few overheads I
21 want to show.

22 Additionally, I want to talk about --
23 between Tammy and I, we will talk about a couple
24 of the significant issues that were raised at the
25 meeting back in March. We will talk about them to

1 some degree, those being the variety -- a number
2 of people requesting to limit the fuel oil --
3 amount of fuel oil to be consumed by the proposed
4 plant.

5 And secondly, request for what is termed
6 preconstruction ozone monitoring.

7 I believe I did mention at the last meeting
8 that the applicant, just prior to that meeting,
9 had reduced the requested amount of oil from 1500
10 hours per combustion turbine to 1000.

11 So, this slide was incorrect at the time,
12 and I'm trying to show that here. 1500 is
13 underlined and 1000 is bold. That's really all
14 that was incorrect with this particular slide.

15 The pollutants, tons per year -- I'm sorry.
16 Kim, thanks for handing those out. I forgot to
17 mention that. She has copies of everything you
18 see here.

19 The pollutants have been updated and
20 essentially in the far right-hand column, these
21 are the updated pollutant numbers in tons per
22 year. And, by and large, in every case, they have
23 been reduced from what was presented back in
24 March, largely because of the reduction in oil
25 consumption by the applicant from 1500 to 1000

1 hours.

2 Again, this was a slide that I had showed to
3 attempt to compare this proposed power plant to
4 three existing plants. Again, to remind you,
5 those three existing plants were OUC Indian River,
6 FPL Cape Canaveral and OUC Stanton.

7 They are all approximately the same size as
8 the proposed Oleander plant, however, there are
9 different technologies and different fuels here at
10 play.

11 What I wanted to show is actual emissions
12 from 1997 for those three facilities and now the
13 proposed emissions from this facility.

14 This particular slide is showing the
15 predicted increase in impacts on ambient air
16 quality. The far right-hand column, in
17 particular, is the one that has been revised. And
18 again, largely in the downward direction, and
19 predominantly as the result of the reduction in
20 oil consumption.

21 If you have questions on that, I think Mr.
22 Holladay can probably address those.

23 I'm going to leave that up for a moment
24 while I talk about the two issues that I had said
25 that were raised in the prior meeting that I think

1 deemed some discussion.

2 The first one was a number of people here
3 had requested that the department further reduce
4 the amount of oil consumption on the proposed
5 plant and, in particular, there was discomfort --
6 obvious discomfort that the applicant could, if
7 the applicant wished, burn nothing but oil.

8 I think that was an underlying concern. As
9 a result of those concerns, what we have done is
10 written into what -- a draft permit which has been
11 prepared the following limitations.

12 And the significant limitation that we have
13 written into the permit is that the amount of oil
14 consumed on a heat basis or BTU basis must be less
15 than or equal to the amount of gas consumed on the
16 same basis, on a BTU basis, over any twelve-month
17 period.

18 So, what that does is, that insures that the
19 applicant or the power plant cannot or will not
20 burn 100 percent oil all the time. At the most,
21 the plant could burn up to fifty percent of its --
22 of the time it could be burning oil.

23 And what I want to point out on that point
24 is that when the issue was brought up, what I did
25 do was, I took a look at how we have permitted

1 other plants in the state, and what I've found is
2 that in general every -- I think I can say that
3 every permit that I found where the plant had in
4 the permit the opportunity to burn oil, there was
5 no requirement that the plant must burn any gas.

6 So, in other words, the plant could burn
7 nothing but oil if the plant wished to.

8 That is not going to be the case here and
9 that, again, was largely because of the concerns
10 that were attempting to be addressed.

11 It's my belief that that particular
12 requirement probably is one of the more stringent
13 ones that we have on any facility in this state
14 that can burn gas and oil.

15 The second issue that I wanted to talk
16 about, and Tammy will talk about it in more
17 detail, there was a lot of -- a number of people
18 that had requested preconstruction monitoring, and
19 the majority of those people mentioned ozone as a
20 concern.

21 And Mr. Linero, as I recall at the meeting
22 said that we as the department would take a look
23 at that and see what we could and could not do in
24 that regard to see what our regulations would
25 allow us to do, what our authority was.

1 What our finding is, is that our authority
2 is limited in this area, and it's very specific in
3 the rule. What the rule says, and I'll just try
4 to put it in layman's terms, is that if the
5 emissions from the facility, the proposed
6 emissions or impacts are below a certain level, a
7 specified level -- it's in black and white in a
8 table.

9 If they are below this level, then
10 preconstruction monitoring -- let me restate that.
11 Then the project shall be exempt from
12 preconstruction monitoring.

13 So, our read on the rule says that this
14 project is exempt from preconstruction monitoring,
15 and it's because the impacts and the emissions are
16 below the predetermined thresholds that are in the
17 rule.

18 So, unfortunately, we do not have the
19 authority to require the applicant to do
20 preconstruction monitoring. What we have done,
21 though, in the technical evaluation which we have
22 written -- and if you don't have a copy and would
23 like one, we can certainly get you one.

24 We have requested that the applicant
25 consider ozone -- in particular, ozone monitoring

1 in the area and I believe that the applicant has
2 done that, and I think that the applicant has --
3 has stated that it's consistent with the
4 department data, which really minimizes a need to
5 do it.

6 Remember, they are not required, and it
7 minimizes the need. So, that kind of walks into
8 what Tammy is going to talk about, as she is going
9 to try to talk to each of us about the ozone
10 monitoring system we have in the State of Florida
11 and in particular in this area, how it works.

12 MS. EGAN: As was said, I wanted to provide
13 a little information about Florida's ozone
14 monitoring network. And to start with, just to
15 show you what it looks like, here's the State of
16 Florida in green. Each of the black dots
17 represent an ozone monitoring site in the State of
18 Florida.

19 We've got 44 around the state, and if you'll
20 notice, they are fairly concentrated towards the
21 coastal region. The federal regulations require
22 that any urban areas, as defined by the Census
23 Bureau with 200,000 people or more has to have two
24 ozone monitors.

25 So, people like to live in the coastal zone,

1 the coastal areas of Florida, so that's where most
2 of our ozone monitoring is going to end up being.

3 The Brevard County area was expected to be
4 over 200,000 people when the 1990 census came out,
5 so in 1988 we set up the two monitors that are
6 here in Brevard County and Cocoa and Palm Bay.

7 Each monitor that goes into an area has a
8 specified job. The first monitor that goes into
9 an area is required to be a maximum concentration
10 monitor. That means we are required to know where
11 the ozone concentration is likely to be the
12 highest in any given area.

13 In the coastal areas of Florida, due to the
14 weather patterns that tend to enhance ozone
15 production, that is going to be on the southern
16 side of the city, on the coastal side of the city.

17 So, in the east coast, that's going to be on
18 the southeast side.

19 The second monitor that goes into an area is
20 going to be a population monitor. We are not
21 going to be looking for a second place with very
22 high ozone concentrations, but rather a place
23 where there are going to be a lot of people, and
24 look at the nominal exposure that people are going
25 to be living with.

1 One of the things that you'll notice, if you
2 look at the ozone monitors throughout Florida is
3 in a fairly broad geographic region. They tend to
4 track each other well.

5 This is data from May of 1996, just picked
6 because May tends to be the month that our ozone
7 levels are relatively high. This is looking at
8 the data maximum eight-hour averages, which is
9 what our standard currently is based on.

10 You will notice that when the ozone goes
11 down in one area, it will be going down in other
12 areas. This is looking at a four-county area,
13 Brevard, Orange, St. Lucie and Volusia Counties.

14 Throughout the entire month, those monitors
15 tend to track each other fairly well.

16 The two monitors that you will see often on
17 the top, the light blue and the light yellow lines
18 represent the two monitors in Orange County. That
19 is the largest urban area that we graph and it's
20 the furthest inland, likely to be the highest
21 monitors that we'd see.

22 This is looking at data from May of 1997.
23 You can see that it doesn't really matter which
24 year you look at, the monitors in those same four
25 counties will track each other fairly well.

1 And again, 1998. Even though 1998 is a
2 superlative year when it came to ozone in Florida,
3 the monitors tracked each other continually very
4 well. And again, the two highest monitors tended
5 to be the two that are in the Orlando area.

6 Again, this is the State of Florida. What
7 I'm going to show you now is an animated graphic.
8 It will take the hourly ozone values and display
9 it temporally and graphically throughout the day.

10 This is going to be from May 1st of 1998.
11 And what I'm putting this map up for is to show
12 you where our current monitors are and where they
13 basically were in 1998.

14 The map itself will be showing every monitor
15 that ever existed in Florida, so there will be a
16 lot of little black triangles on this map. The
17 map itself was put together for me by Region Four,
18 which is the southeastern region of EPA, at my
19 request, to look at the ozone values that we
20 experienced here in Florida last year.

21 Down here at the bottom you'll see the time.
22 This is three o'clock in the morning, so the sun's
23 not quite up yet. By the time just before sunrise
24 occurs, you'll see the state is green, meaning the
25 levels are below 50 PPB, and the background is

1 estimated between 35 and 45, so the nighttime
2 scavenges occurred, and there's very little ozone
3 out there.

4 Now that the sun's come up, you're looking
5 at ten or eleven. You'll see that within an hour
6 or two very broad regions are the state are moved
7 from there, those background levels, to levels
8 somewhere between 51 and 65 PPB throughout the
9 day.

10 They will stay there for most of the day.
11 This is three, four in the afternoon. Some of the
12 areas are starting to get lower levels of ozone
13 and it won't be until six or so that the
14 scavenging will begin to occur throughout the
15 entire state.

16 Our highest values for that day were
17 occurring over in the Pensacola area, not terribly
18 unusual.

19 Now that the sun's gone down you can see,
20 throughout the entire state, the values dropped
21 back below fifty.

22 I'll let this animation run through one more
23 time now that you know what you're going to be
24 looking for. You'll notice for the southeastern
25 region the largest concentrations are going to be

1 over near Texas. They were already being affected
2 by the fires that were occurring in Mexico and
3 Central America.

4 Again, you've got a little bit of ozone left
5 from the previous day that's going to be scavenged
6 out as you head towards morning.

7 Here at six a.m. you've hit basically the
8 lowest level of the day and shortly, as the sun
9 will come up, you will see that ozone production
10 start for the day, beginning in the southwest part
11 of the state down near Sarasota and quickly
12 spreading throughout the north central areas.

13 Between eleven and two -- if you've lived in
14 Florida, you know that that's when your told
15 you're going to get the greatest amount of
16 sunshine, and be most careful with the sunshine
17 exposure. It's also going to be the highest
18 production time for ozone because ozone does
19 require sunlight for its own production.

20 What you are looking at now is a graph from
21 1989 to 1998, which is basically the data that we
22 have for this area. I think I went forward a
23 slide. Here we go.

24 Starting with Cocoa Beach, the navy blue
25 dots represent that fourth highest time, eight-

1 hour daily maximum ozone concentration. That is
2 the parameter with which the standard is
3 associated.

4 You'll see from year to year it bounces
5 around a little. Three year into this, the first
6 time we could take a three-year average in 1991,
7 you'll see the little pink line begins. It's
8 labeled the design value.

9 That is the value which will be compared to
10 the standard. The standard is indicated on this
11 graph by the red line at 85 PPB. What you'll
12 notice is that since 1991, the design value for
13 Cocoa Beach has always been under the standard.

14 You will also notice that the design value
15 is more stable than the year-to-year fourth
16 highest high. That was part of why the ozone
17 standard was changed.

18 This is the Palm Bay data, same time period.
19 And again, you'll notice that the design value,
20 the value which is compared to the standard, stays
21 well below the annual air quality standard.

22 This is looking at all the design values for
23 the areas that I've been talking about, Brevard,
24 Orange, Sanford and Volusia Counties.

25 You're looking at the three-year average,

1 starting in 1992 to '94, and ending with the '96
2 to '98 data. Again, the red line indicates where
3 the standard is, and you'll notice that all of
4 those values are below the standard.

5 From year-to-year you'll see a little
6 fluctuation. And for all of these sites you will
7 see that the 1996 to '98 three-year average is
8 higher than it was previously.

9 But again, last year was a superlative year
10 for ozone. We had, as you know, if you were here,
11 plenty of fires that created a lot of ozone. The
12 fires that burned in Florida, on the days that
13 they were burning, produced the precursor gases,
14 nitrogen oxides and volatile organic which ozone
15 needs to produce itself in quantities that dwarfed
16 what the people did in terms of contributions from
17 power plants and other permitted sources, as well
18 as mobile sources in the form of vehicles.

19 The EPA has a natural events policy which
20 allows us to describe which days have been
21 affected by natural events such as fires, and
22 those days which we have requested EPA to review
23 for the Florida fires to exclude from this
24 analysis have been verbally approved. We're still
25 waiting on a written approval.

1 This data represents that information, that
2 data having been removed from the data set. But
3 this is what we expect the decision is going to be
4 made on, at least for 1998.

5 The final decision for attainment status
6 will be made on the '97, '98 and '99 data.

7 I'm giving you a couple of URL's if you want
8 additional information. The first is DEP's ozone
9 website, and on our website you'll find the eight-
10 hour and one-hour maximums for each previous day.
11 The update is five days a week and we're hoping to
12 have this automated to update seven days a week
13 shortly.

14 The other is EPA's Air Now Web Page. The
15 Air Now Web Page will give you an animation
16 similar to the one I showed you for May 1st of
17 last year, but it will be real time for each day.

18 We're submitting data currently to EPA to
19 participate in that program, and they are having
20 some technical difficulties. Hopefully they will
21 get those straightened out soon and our web sites
22 will be published.

23 If you go to the Air Now web site currently
24 and look for the southeast, it will just say
25 "coming soon."

1 MR. COZLO: Thank you Tammy. Thank you,
2 Mike.

3 All right. Now, if you will, if anybody has
4 any questions they want to ask as to what has been
5 presented, again, we have the cards back there for
6 people to put their names on there.

7 One of the reasons, it will be orderly, and
8 secondly, are needed for the recorder, the names
9 of the folks that want to speak.

10 And Ms. Tober's coming around to pass them
11 out if anybody wants to.

12 MS. TOBER: I think this is it. Two left.

13 MR. COZLO: All right. Mr. Doug Sphar. Is
14 he here?

15 Mr. Clarence Rowe. He's gone.

16 Ms. Marjorie Derrick.

17 MS. DERRICK: Marjorie Derrick. I'm
18 affiliated with the Sierra Club, but I'm not
19 representing them. I'm representing myself.

20 When I first became involved in the Oleander
21 project it was because of the issue of bird
22 migration and it really concerned me because the
23 proposed stack row would lie on an east-west axis
24 across the Atlantic coast migratory bird corridor.

25 I felt this would present a major hazard to

1 migrating birds that fly through here by the
2 millions. I have contacted a large number of
3 environmental organizations and the Fish and
4 Wildlife Service to see what I could find on the
5 subject.

6 And at this point there seems to be no
7 evidence of harm done to migrating birds by power
8 plant emissions.

9 However, my research has turned up another
10 problem, and that is the problem of bats. I would
11 like to read an excerpt from a news release that
12 was put out by the People For Ethical Treatment of
13 Animals on February 26th of 1998 in Dallas.

14 After almost four years of campaigning it
15 began when PETA removed hundreds of charred bodies
16 of birds and bats from oil and gas fields in the
17 western United States, the Exxon Corporation has
18 finally capped all but a few of its open exhaust
19 treater stacks.

20 In 1994, PETA investigators toured oil and
21 gas fields in five states and found that birds and
22 bats fall or fly into the open treater stacks and
23 cannot escape. They die there of starvation or
24 are overcome by fumes or are burned alive when the
25 units ignite.

1 Some units become clogged with animal parts
2 and must be blasted out with high-pressure hoses.
3 How would this apply to Oleander? The key words
4 are "open stacks."

5 This is the element Oleander has in common
6 with Exxon. Brevard County is part of the
7 distribution range for the eastern pipistral(ph)
8 bat, the big brown bat, the big-eared bat, the
9 Seminole bat, the evening bat and the Brazilian
10 three-tailed bat.

11 Occasional bats include the eastern redneck
12 and the hoary bat. That is seven permanent
13 resident species and two occasionals.

14 There is an effort being made to encourage
15 bats as a natural means of insect control. Bat
16 houses are becoming a part of park facilities as
17 well as residences and the air station at Cape
18 Canaveral is making a deliberate effort to
19 introduce them because they are trying to minimize
20 their use of pesticides.

21 Open stacks like Oleander's could represent
22 shelter to bats. They like to sleep in dark cave-
23 like places and the congregate in large colonies.
24 Also, they move into deep recesses of caves away
25 from entrances.

1 If a colony were settled in a stack and the
2 turbines were turned on, it seems there would be
3 very little chance for them to escape.

4 The irregular schedule of usage would not
5 build up any awareness in the bats of the stack's
6 danger. It seems obvious whole colonies could be
7 wiped out, considering the extreme temperatures
8 and the velocity of the emissions, would there
9 even be any evidence of this destruction
10 afterwards.

11 Exxon took four years to address the treater
12 stack problem, though the solution was simple with
13 the application of caps over the stacks. Whether
14 that would work with the width of Oleander stacks
15 and the concentrated hurricane force velocity of
16 the emissions is another issue.

17 I would argue the issue needs to be
18 addressed in view of the potential threat to our
19 bats.

20 I would like to ask you to include it in the
21 permitting process, especially in view of the
22 number of power plants that are looking at our
23 area to locate.

24 MR. LINERO: Do you want to submit the
25 document?

1 MS. DERRICK: Pardon.

2 MR. LINERO: Do you want to submit the
3 document itself?

4 MS. DERRICK: You can read it.

5 MR. LINERO: Certainly. We are on the
6 record, as well.

7 MS. DERRICK: Okay.

8 MR. COZLO: Thank you, Ms. Derrick.

9 MS. DERRICK: You're welcome.

10 MR. COZLO: Mr. John Derrick.

11 MR. DERRICK: I am John Derrick also of
12 Melbourne Village. My two concerns, and I'm not
13 well-read-up on what has been done with experts
14 and the engineers here, the presentations, they've
15 been excellent, but I am here on two points.

16 One is that of decibel noise levels. I can
17 relate as being on a noise committee with
18 Melbourne Village, which is a small residential
19 area of about 300 sites southwest of the Melbourne
20 International Airport.

21 They had a problem with Northrop-Grummond on
22 turbine noise, and this was resolved after about
23 two years of complaints, and almost civil action
24 and court action between the Village and Northrop-
25 Grummond. And Northrop-Grummond did tone down the

1 turbine noise.

2 And I see this as -- I don't know whether 90
3 DB is the proper maximum level, but people cannot
4 -- could not get their sleep in that area, so
5 Grummond did something about it.

6 If this Oleander plant is to be placed right
7 here where we are now maybe it could be instead
8 moved to an area like they used to use -- or
9 install airports many years ago, they used to put
10 them on the outside areas of cities because they
11 didn't want the planes flying over the city,
12 making noise and having risk of crashing into
13 buildings of the city and hurting people.

14 Orlando, as we all know, has quite a power
15 plant array over there to the southeast part of
16 Orlando. That would perhaps take it out of
17 Brevard County, but if this is a worthwhile plant,
18 then maybe it could be located elsewhere to
19 acceptable noise levels for everybody concerned.

20 The next problem I have is one of air
21 pollution. I believe your technical studies would
22 reflect that there's no problem there. However, I
23 am an asthmatic. I have had considerable problems
24 with bronchitis and I may have to leave this area
25 as well.

1 Clean air is what I'm talking about. If we
2 have the Oleander plant come in here and perhaps
3 as many as 13 to 15 more plants like it, if they
4 sit right in this axis of where it's cheap for
5 them to get their fuel, that's fine for them, but
6 what is this going to do to the air of this
7 particular area.

8 And I hope that you keep a close look on
9 that because of the high pollen, asthma problems a
10 lot of people do. OSHA requires that we take care
11 of our workers and our people, and I think that
12 they should keep a lid on this problem.

13 Thank you.

14 MR. COZLO: Thank you, Mr. Derrick.

15 The next speaker, and I guess the last one
16 is Ms. Sharon Barridge.

17 MS. BARRIDGE: It's kind of awkward to talk
18 to you all. I'm a homeowner that goes out every
19 single day and I ride my bike and I look at the
20 sky and I'm about across from Florida Power &
21 Light.

22 And, if you go out early in the morning -- I
23 mean, you all know more about the area than I do,
24 but every day -- well, not every day, but the
25 amount of smog that I can see in the sky upsets me

1 almost every day. And I'm riding my bike and, you
2 know, I've got to do something about this. I
3 can't just lay back and play.

4 So, when the Oleander came out and here's
5 another polluter coming to our skis with, as
6 Oleander would like us to say, "Oh, my goodness,
7 we're going to employ twelve people."

8 Well, that certainly doesn't mean too much
9 to me, or I think the economy of this area, and
10 they're going to employ people to build this
11 wonderful power plant. Well, from what I
12 understand, it's a highly technical skill to build
13 this power plant, and I wonder how many people in
14 this county have that high technical quality.

15 And even if all of them came, it wouldn't be
16 worth it to me, you know, from the county. But
17 the tons of pollution they are going to put in the
18 air is just over the top for me.

19 I look at it -- I mean, you all have all
20 seen it. I mean, nobody in here's a kid. You've
21 all seen our horizons are a totally different
22 color than our sky, and the density of things you
23 have to look through in the air -- it's there. I
24 mean, you know, it's getting worse.

25 I'm fifty years old and it seems year-to-

1 year, when I'm looking at the horizon I'm seeing
2 more and more kind of a gray-brown-pink color, and
3 isn't that smog.

4 And I don't want Oleander and I want to do
5 what's right, and if anybody wants me on their
6 mailing list for anything I can do to protect the
7 environment, like get the cars inspected again, I
8 want to do something because I do care.

9 Thanks. Oh, sorry.

10 MR. COZLO: All right.

11 MS. BARRIDGE: And all the people that left
12 earlier, they have given their hearts to fighting
13 for -- for our environment and it's really
14 disappointing to them to come and see hardly
15 anybody here.

16 The only reason I know about it is because I
17 am in contact with some of the people that are the
18 most concerned. So, if there's something I can do
19 to help the environment, my name and address is on
20 there and I care.

21 Thank you.

22 MR. COZLO: Thank you, Ms. Barridge.

23 I guess because we have the small number of
24 people here, I guess nobody else has any further
25 comments on this. And all these folks have given

1 their presentations.

2 We are about an hour early here, but --

3 Yes, ma'am.

4 UNIDENTIFIED SPEAKER: I just wanted to ask
5 one question on this notification process, since
6 it seems rather controversial.

7 Is there a way to be contacted if you wanted
8 to get that corrected so it would be published.

9 MR. COZLO: In reference to --

10 UNIDENTIFIED SPEAKER: In reference to
11 meetings like this, hearings like this, who would
12 we contact to have that kind of thing if they
13 require it? Would that go through DEP or a
14 legislator or what?

15 MR. BEASON: I'm not sure I understand the
16 nature of your question. The notice that was
17 published here is the type of notice that's
18 required --

19 UNIDENTIFIED SPEAKER: I'm saying if we want
20 to change the requirement about --

21 MR. BEASON: You would contact your
22 legislator.

23 UNIDENTIFIED SPEAKER: Okay. Okay. Thank
24 you.

25 MR. COZLO: It's a legal change to do these

1 things.

2 UNIDENTIFIED SPEAKER: Okay.

3 MR. COZLO: This is being done by the book.

4 UNIDENTIFIED SPEAKER: Sure.

5 MS. BARRIDGE: Your commissioners will send
6 you things that are in the commission agenda.

7 I wouldn't have known about this if I wasn't
8 in contact with the people that walked out.

9 MR. BEASON: I'm sorry. I didn't mean to
10 alienate the others, the people that left. But I
11 was talking to Mr. Linero and there's a
12 possibility we will look into it.

13 UNIDENTIFIED SPEAKER: That would be a big
14 help because it is such an issue of such public
15 interest.

16 UNIDENTIFIED SPEAKER: The last meeting --
17 the last meeting we scheduled, you know, we
18 scheduled it, you know, on our own and we
19 advertised and --

20 Mike, it was in how many newspapers?

21 MR. HALPIN: Well, we only put it in the
22 Orlando Sentinel ourselves.

23 MR. LINERO: We put it in the Orlando
24 Sentinel and that we did on our own.

25 Now, what happened is that once we issued

1 the intent, it's up to the applicant to publish it
2 in a local newspaper of general circulation. They
3 did that, and I guess they chose Florida Today.
4 Maybe -- maybe it would have gotten wider
5 distribution had it been in the Sentinel.

6 But we will do this: We will publish in,
7 you know, at least both newspapers the date of
8 this public -- of this administrative hearing
9 before the administrative law judge, and there
10 will be a forum, as Mr. Beason described, where
11 the group that was here will actually have the
12 opportunity to tell -- to provide their comments
13 to the person who's actually taking the testimony
14 and who can provide the department's secretary
15 with a recommended order.

16 So, I'd say, you know, they will have their
17 chance again, and we'll see to it that -- we'll
18 notice the hearing as well, which isn't a
19 requirement. We want to do this and, you know, I
20 just apologize about -- about this, but we did E-
21 mail the people that were -- that were the most
22 interested in this.

23 I mean, there were a number of people that
24 peppered us with questions, did their E-mail, and
25 to whom we responded directly.

1 And I firmly believe that most people really
2 did know that this meeting was going to take
3 place. They really did.

4 UNIDENTIIFED SPEAKER: I think one thing
5 that came up with the counties turning it down,
6 that might have made people feel the hearing
7 wasn't going to take place.

8 We started calling around trying to find out
9 if it was. It was awfully hard to get
10 information. We had to make, I guess, eight or
11 ten phone calls and the times were changed -- I
12 mean, all different kinds of times we were told,
13 that kind of thing.

14 UNIDENTIIFED SPEAKER: Forgive me. I was
15 actually out of the country for part of the last
16 month, and you said the county --

17 UNIDENTIIFED SPEAKER: The county
18 commissions have turned down the permit.

19 UNIDENTIIFED SPEAKER: Have turned down the
20 permit?

21 UNIDENTIIFED SPEAKER: Yes.

22 MR. COZLO: Yes, ma'am, please state your
23 name for the reporter, please.

24 MS. AMELLO: It's Gwendolyn Amello, A-m-e-l-
25 l-o. And I'm the communications consultant, local

1 communications consultant with the Oleander power
2 project.

3 Before we get to what happened at the
4 commission, I just wanted to say that the first
5 meeting that DEP scheduled here, we advertized
6 with a quarter-page ad in Florida Today, and I
7 asked people if they had seen the ad and nobody
8 saw it, so we didn't bother to spend another
9 \$3,000 to put in an ad in for this particular
10 meeting because nobody said that they saw it and
11 it really was a waste of money.

12 I mean, as far as what happened at the
13 county commission meeting yesterday, and this is
14 because Florida Today published a completely
15 erroneous article. They did not deny anything
16 yesterday. The only thing that they did not do
17 was give us a determination of vested rights based
18 on a moratorium that they have placed on power
19 plant permits.

20 They still have our application. They still
21 have all the fees we have paid for the
22 application, and this moratorium runs to August
23 12th. So, nothing has been denied as far as the
24 county is concerned.

25 And I sent letters out today to all EDC ph)

1 members and all chamber members, both
2 organizations of which we are members to let them
3 know that.

4 I talked to Florida Today and they are going
5 to try and correct that, too. I didn't think that
6 was fair from both sides, actually, for something
7 like that to appear.

8 But, the project has not been denied
9 anything as far as the county goes. It was
10 basically a legal determination of vested rights
11 that they did not determine that we have. Just,
12 you know, for your information.

13 MR. COZLO: All right. Well, I guess that
14 -- since there are no other comments, we're going
15 to -- Yes, sir, Mr. Derrick.

16 MR. DERRICK: Was there ever an
17 environmental impact statement done? Maybe this
18 was way a long time ago.

19 MR. COZLO: I think it was addressed in the
20 first meeting we had here. That was an issue that
21 was brought up, and I don't know if anybody made a
22 statement on that.

23 MR. LINERO: Let me address that. No, an
24 environmental impact statement was not done.
25 That's a very specific legal document that can be

1 required for a federal -- certain federal
2 permitting actions.

3 We did an impact assessment on the air
4 quality. I just want to make sure that we don't
5 call that an environmental impact statement,
6 because it is not that.

7 MR. COZLO: I guess, I'll just -- one more.
8 Yes, Ms. Derrick.

9 MS. DERRICK: I'd like to ask the scientists
10 here, when we were looking at that graph that you
11 were -- for the ozone layer, I thought I heard you
12 say that the pinkish line was the average and that
13 we would --

14 MS. EGAN: It's the three-year average.

15 MS. BARRIDGE: Okay. And that we were below
16 it. But when I was looking at the dark dots, it
17 looked like it was just as much above it as it was
18 under it.

19 MS. EGAN: Those are the single-year
20 figures, and it will bounce around. The standard
21 is based on the three-year average of that, so you
22 can have one year that's up, as long as when you
23 average it with the other two years you stay below
24 the red line.

25 One of the things that EPA is trying to

1 address when they changed the standard was to make
2 what we make determinations on a more stable
3 entity, so that we didn't bounce up and down like
4 that does from year to year.

5 When you take that three-year average it
6 smoothes it out some, but if your air were truly
7 bad, you'd stay on the other side of the line.
8 Florida has always been very near the ozone
9 standards.

10 MR. COZLO: I'm going to just make one more
11 call and then we're going to close out the
12 session.

13 Going once, going twice -- this session is
14 now closed. This meeting is closed.

15 Thank you very much for coming.

16 (Thereupon, the meeting was concluded.)

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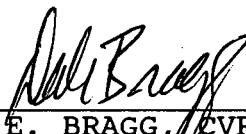
THE STATE OF FLORIDA,)
COUNTY OF SEMINOLE,)

I, DALE E. BRAGG, CVR, Court Reporter and
Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled
and numbered cause was heard as hereinabove set out;
that I was authorized to and did transcribe the
proceedings of said hearing, and that the foregoing and
annexed pages, numbered 1 through 49, inclusive,
comprise a true and correct transcription of the
proceedings in said cause.

I FURTHER CERTIFY that I am not related to
or employed by any of the parties or their counsel, nor
have I any financial interest in the outcome of this
action.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed my seal, this 28th day
of May, 1999.



DALE E. BRAGG, CVR, Notary Public
State of Florida at Large

My Commission Expires: 2/18/2000